

# **SHADOWS OF DOUBT**

*The Warren Commission Cover-Up*

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This book is dedicated to the memory of my mother, Mrs. Irene V. Lapre Meunier, who lived a short but good life and through whom I have drawn the strength and courage necessary to write this account

FIRST EDITION

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## ***Prologue***

On November 22, 1963, John Fitzgerald Kennedy, the thirty-fifth president of the United States, was shot to death as he toured the streets of Dallas, Texas.

The United States government under the authority of President Lyndon B. Johnson ordained a commission to investigate the facts related to the incident and to report its findings to the president and the American public.

That report (The Warren Report) was released on September 24, 1964, after ten months of investigation in executive session.

The ensuing months and years produced voluminous criticism, some which was justified—some that was not. The members of the Warren Commission never appeared before the public in an effort to dispel rumors or to refute the charges made by responsible critics of the report. Not once during the twelve years following the assassination did the United States government undertake an effort to reopen the case, but instead concealed great portions of evidence in its secret files—not to be released until the year 2039.

The commissioners themselves were sworn to secrecy and the report became the hush-hush of the century.

It is my hope and intention that this account will clearly and accurately tell the unfortunate, but true, story behind the Warren investigation in order to provide a bewildered American public with not an answer, but an insight into a truly abhorrent episode of American history.

It is hoped that this book will act as a catalyst in motivating a confused society to demand a candid review of the facts surrounding the enigma of the assassination of our president. To that end this book is respectfully subscribed.



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## ***The Commission***

Before any meaningful discussion of the government's investigation can be attempted, it is important to understand the elements of choosing the proper forum and individuals to investigate the assassination of an American president.

It goes without saying that such an inquiry required a maximum effort by the then President Lyndon B. Johnson to select those individuals that represented the "broadest national mandate" of American society.<sup>1</sup> Candidates that possessed records of opposition to the late president or were victims of confrontations with him should not have been selected to sit in judgment of his accused assassin—not because those candidates *lacked* the professional skills required, but because they are less likely to *exercise* that expertise in the meticulous manner expected of one who had a great affinity for the late president. This is not to say that the deck should be stacked in favor of conspiracy-minded individuals who might engage in a witch hunt. No one is suggesting that Robert Kennedy or Edward Kennedy should have been appointed to the commission. But the deck should not have been stacked against the slain president in the manner that the Warren Commission was.

Any such commission should be neither partisan nor exclusively governmental in make up. Both possibilities obviate the basic philosophy of our free society, or to use the words of columnist Jack Anderson, the American system was developed to "protect the people from the government and not the government from the people."<sup>2</sup>

Furthermore, and probably most important, such an investigation should be carried out in *public*, at least to the fullest extent possible. Evidence submitted in executive session should

be made available for inspection by responsible nongovernment investigators. This is not to say that some particularly delicate material might not be classified under the protection of national security. But neither should that classification be used as a convenient guise to protect government agencies from implied complicity or to conceal evidence that contradicts the basic findings of the commission.

The abuse of "national security" classifications is no more evident than during the latter days of the Nixon administration when it was used freely and irresponsibly in an effort to protect personal interests and government agencies like the CIA and FBI from implications of complicity in the Watergate affair.<sup>3</sup>

In any event, such a commission must comply with the previous stipulations in order to properly conduct the inquiry for which it was created. Unless it does, it will not truly be a representative nor effective body.

While the report does proclaim to represent the "broadest national mandate"<sup>4</sup> the fact is that the commission was a very narrowly selected body. On the bare surface it does resemble a balanced choice by the selection of two Democrats and two Republicans, two members from the House and two members from the Senate, and two representatives of private life—all lumped together under a chief justice of liberal persuasion. The uncritical reader is bound to be convinced by the report's play on words. However, a more careful review of the appointees exposes an insufficient counterpoise that precluded the possibility of the "broadest national mandate" prescribed by the report itself.

From the Senate, the president chose Richard B. Russell (D-Ga.) and John Sherman Cooper (R-Ky.).<sup>5</sup> From the House of Representatives the president selected Hale Boggs (D-La.) and Gerald R. Ford (R-Mich.).<sup>6</sup> The two selectees from so-called private life were John J. McCloy, formerly president of the International Bank; and Allen W. Dulles, formerly director of the Central Intelligence Agency.<sup>7</sup> To head the commission the president chose Earl Warren, chief justice of the U.S. Supreme Court and formerly governor of the state of California.<sup>8</sup> This was the

membership of what came to be known as the Warren Commission.

This seemingly representative body contains some interesting features. While the conservative appeal is satisfied through Republican appointees no such liberal appeal is achieved by Democratic appointment. All the Democrats were southern Democrats. In 1963, that was synonymous with a very conservative point of view not to mention the well-known fact that in 1963 John Kennedy began to fulfill his promise to black America.<sup>9</sup> There was confrontation between the President and southern legislators over the issue of racial desegregation. It was the year of Robert Kennedy's bust that exposed the murders of blacks and black sympathizers by members of the Mississippi Ku Klux Klan.<sup>10</sup>

In fact, Commissioner Hale Boggs was considered to be at the forefront of the anticivil rights movement during the Kennedy administration.<sup>11</sup> It doesn't take a political scientist to recognize the profound built-in antagonism between President Kennedy and the southern members of his own party.

From the "private-life" appointments other antagonisms are evident. John McCloy represented the big money interests. Allen Dulles was formerly director of the CIA. There is no separation of these individuals from the federal government as the report would have us believe. Once those individuals reached the capacity to head major governmental institutions, their retirements do not erase their government affiliations. Simply by virtue of their careers, it is implicit that their roots are deeper in the government than the so-called private sector of the American public. Is there any question to which side they give their allegiance? It is only natural that they favor the side of the government. Singularly this is not a bad trait; however, in the aggregate of the entire commission it becomes an undesirable addition to the already slanted commission. Both of these men were also conservatives. Both were married into the Rockefeller fortune, again not a disqualifying factor by itself, but in the sum total it could only draw future criticism.

All the members were promilitary, a persuasion that Kennedy

had professed to remain divorced from following the Bay of Pigs episode.<sup>12</sup> In view of that tragic operation alone, Dulles should never have been selected. The very reason he was at that time in "private" life was that John Kennedy fired him (forced his resignation) following the CIA investigation that succeeded the Bay of Pigs disaster.<sup>13</sup> This investigation ordered by President Kennedy proved that the CIA had lied to both the president and the Cuban brigade, and that the agency intended to run the operation even against the president's wishes if necessary.<sup>14</sup> It is also interesting to note that the invasion was the idea of Richard Nixon while he served as vice-president during the Eisenhower administration.<sup>15</sup>

Indeed, if President Johnson needed the CIA to investigate itself or other evidence related to a foreign conspiracy, he should have called for anyone but Dulles.

Probably the most perplexing choice of commissioners was that of Earl Warren, the chief justice who at the time was being publicly threatened with impeachment. It could have been that Johnson felt the need for a "respected" figure on the commission, one that most American people would be willing to trust in the face of such an important decision. Apparently, Warren accepted the appointment against his own wishes. His actions during the hearings are inexplicable, totally against the form of justice that he himself represented. There was no precedent for which to dismiss Warren's candidacy, for on paper he was the best choice made by President Johnson. I have no quarrel with his selection, only the procedures that he tolerated and the decision to which he signed his name.

None of the previous portion of this presentation is designed to implicate any of the commissioners in a conspiracy to assassinate the president. Any such suggestion would be wrong and unfounded. The statements by themselves can be very misleading unless they are expounded and explained by the facts surrounding their inquiry. There are, however, implications of cover-up by members of the agencies that assisted the commission in its investigation. There is both verbal and procedural evidence that strongly suggest that the commission, its staff of lawyers, the

FBI, CIA, and Secret Service were never actually concerned with finding out the truth behind the assassination, but were more concerned with protecting themselves from being fingered. Their aim was to supply an answer, regardless of its validity, to satisfy the American people.

That it failed miserably in that effort is the very reason for this book. The need for the absolute truth has never been greater than it is today. The entire Warren Report is a sham, and proof of that lies in the commission's own explanation.

The following chapters will explore some of the major criticisms of the government's investigation. As you will see, no claims of simple neglect, oversight, or comedy of errors will satisfactorily explain away the criticism that has developed over the years. Somewhere, sometime, someone will have to be charged with *cover-up* and *conspiracy*.

## ***The Single-Bullet Theory***

The central theme of the Warren Commission's report rests with the so-called single-bullet theory. Although some commissioners and staff members have concluded that the single-bullet theory is not necessarily essential to the basic conclusions of the report, the fact is that the theory is *absolutely* irrefutably indispensable if the commission's conclusion is to be accepted. Even Walter Cronkite and the CBS news team finally conceded to this point after so staunchly supporting the commission's findings.<sup>1</sup> Without a single-bullet theory, it is totally impossible for Lee Harvey Oswald, the alleged assassin, to have carried out the assassination, in the manner ascribed to him by the Warren Commission, without the aid of a coassassin. This contention will become more obvious as the actual facts are compared with the theory's contentions throughout this presentation.<sup>2</sup>

To begin with, the theory itself was not the architecture of the commission members based on the evidence submitted and "examined." It was in effect a blueprint formed well in advance of the completion of the inquiry—chiefly the work of the commission lawyer Arlen Specter.<sup>3</sup> In it Specter contends that:

1. Lee Harvey Oswald fired three shots at the presidential limousine on November 22, 1963.<sup>4</sup>
2. One shot missed the automobile and its occupants, striking the curb on the north side of Main Street.<sup>5</sup>
3. Another shot struck the president in the neck entering at the posterior and exiting at the lower anterior region just below the adam's apple.<sup>6</sup> This same bullet (CE399) continued on to strike Governor John Connally in the right side of the back smashing his fifth rib in the process before exiting from

his chest just below the right nipple. It then traversed the governor's right wrist smashing it also before embedding itself in Connally's thigh.<sup>7</sup>

4. A third shot struck President Kennedy in the occipital region (back portion) of the head exploding within, then exiting from the right side of the president's head.<sup>8</sup> Incidentally this was the fatal wound.

The first shot (No. 3 above) is what is typically regarded as the single-bullet theory. It is, however, so dependent on the other aspects that to discuss the first shot separately is to conceal the theory's true meaning. The single-bullet theory, then, states not only that one bullet was responsible for all seven nonfatal wounds, but that one man (allegedly Lee Harvey Oswald) did all the shooting to the exclusion of all others. This in itself is proof of its essentiality to the commission's findings, for as this presentation will prove, if CE399 did not create all seven nonfatal wounds, it means that at best two shots did, and since all seven wounds were inflicted within a time span of from .75 to 1.5 seconds<sup>9</sup> it was a task beyond the capability of any one human being using the Mannlicher-Carcano (alleged murder weapon). Two such shots in that time span would require a second assassin. How the theory's nonessentiality could ever be suggested by the very people responsible for its inventive creation is beyond serious comprehension. This suggestion, however, is but a minor contradiction compared with those of the Warren Report and its unsupportive twenty-six volumes of "evidence" and files of documents never published by the government.

In fact, the single-bullet theory is the keel of the Warren Report. Without it, no possible alternate explanation existed for the commission lest it concede to a theory of conspiracy—a theory that it was clearly unprepared to examine and determined to dispel. The investigation of the hearings will show the real possibility of probing a conspiracy was never entertained. Therefore if anything was essential to the commission's report it was the undisputed proof that a single-bullet theory was not only possible on paper, but that the kinetics of the theory were

possible when compared with the weight of the evidence. Unfortunately for the report, the two never quite measured up to what the commission said they did.

The first thing necessary for the commission to ascertain was the number and origin of the shots. To do this, one would reasonably expect that ear and eyewitness testimony might not always be accurate but that on the whole it usually contains some valuable substance. Other valuable evidence would include photographs of the assassination, the autopsy reports, acoustical test data from Dealey Plaza (the assassination sight), and any accumulated evidence such as missiles, cartridges, and weapons related to the crime.

Apparently, the Warren Commission was less concerned with some of the above material than we have been led to believe.

Regarding the number of shots, the report, of course, contends that there were three.<sup>10</sup> The reader, naturally, assumes that the testimony presented corroborates the claim. But this is not the case.

The Warren Commission does a fantastic job of selective presentation in this regard; that is, it publishes in the report only the testimony or "evidence" that supports its fragile theory. In view of the size of the book this may be justified, but it is hardly representative of the actual evidence, some of which was printed in the twenty-six supplementary volumes. The problem here is that the twenty-six volumes were never disseminated to the degree of the report. Thus, comparison for the casual reader was not readily possible (nor practical), and those that were interested enough to check the sources of information were confronted with the problem of sifting through the padding to find the relevant material which usually led private investigators to seek the unpublished material located in the file of the National Archives in Washington, D.C.<sup>11</sup>

I do not suggest that a number of eyewitnesses did not state that three shots were fired. Some did.<sup>12</sup> There were also those who thought only two shots were fired and some as many as five or six. But the majority of witnesses felt that there were more than three. Four to six shots were most consistent with eyewitness

testimony and the medical evidence. If four shots were far too many for one assassin, there was no question that five or six could not even be considered. Even the final determination of three was impossible in the 4.8 to 5.6 seconds allotted.<sup>13</sup>

Eyewitness Jean Hill, who was extremely close to the president during the fatal shot, testified that she heard from four to six shots.<sup>14</sup>

The Secret Service and FBI's immediate reconstruction of the crime actually corroborates Miss Hill's testimony even though the agencies agreed with the government that only three shots were fired. Both agencies felt that the first shot struck the president, a second and separate shot hit the governor, and that the third struck the president in the head thereby killing him.<sup>15</sup> Clearly three shots are accounted for, but at the time neither was aware that one shot missed and impacted on the north curb of Main Street.<sup>16</sup> Thus the Secret Service and FBI were actually attesting to a four-shot theory: two which hit the president, one that struck the governor, and a fourth that neither was yet aware (but later proved by the FBI) had missed the entire presidential party.<sup>17</sup> The commission dared not take the miss for granted and therefore merged the second shot so that it would pass through the president and then strike the governor.

In order to dispel the earwitness testimony, the commission contended that Dealey Plaza is an "echo chamber,"<sup>18</sup> the reasoning being that the echo left the earwitnesses with an erroneous appraisal of the number and origin of the shots; i.e., more shots sounded than the actual number, and they gave the impression that they had been fired from a place other than the Texas School Book Depository (TSBD).<sup>19</sup> Therefore the commission calls the testimony "inconclusive." But this "inconclusive" testimony was considered sufficient, even when supplied by the minority of witnesses, if they thought the shots numbered three. If in fact four shots were fired, then the report falls flat on its face.

It is also interesting to note that when attorney Mark Lane interviewed Miss Hill on February 18, 1964, three months after the special commission was formed, not a single witness had yet

been called to give testimony.<sup>20</sup> Important witnesses were left to be influenced by news accounts that obviously favored the lone-assassin theory. Is there any question why there was variation from one earwitness to another?

While the failure to call witnesses earlier, more probably than not, was due to unfortunate neglect and poor handling of those that possessed crucial testimony, the fact remains that the commission's conclusions regarding this matter were not represented by the majority of the witnesses. A kind heart would excuse the commission for this shortsightedness and mismanagement, if that is what it was, had it not been for other acts of neglect.

The so-called echo chamber of Dealey Plaza was a marginally convincing argument upon which to mitigate the damaging eyewitness testimony, but it was certainly not a premise upon which to totally disregard it. The commission went to great extent to determine a premise for conflict. Certainly the commission was aware of the need to ascertain what testimony was more valid or at least more dependable. A sure answer was to have an acoustical survey conducted of Dealey Plaza. But no such test was carried out by the commission, its staff, the FBI, or Secret Service all of whom were aware of the "echo chamber."<sup>21</sup>

Therefore, the "echo chamber" is an inferred quality of the assassination area. Whether by word of mouth or simple assumption, it is not and never was a proven fact. To dismiss the critical testimony on the basis of an inferred acoustical difficulty is but a convenient mechanism to discredit as much as possible any inconsistency with the preconceived single-bullet theory. The real injustice to the testimony, however, falls not with the fact that no attempt was made to determine the actual quality related to sound and direction, but that the commission actually declined to perform the test.<sup>22</sup> Only by resolution of the acoustical qualities of Dealey Plaza could the commission have cause to label that testimony as "unreliable."

The next obvious question is why, in view of its importance, did the commission neglect and refuse the services of such a test? I can suggest only two reasons. One is, as before, simple oversight. The second and more probable was a lack of courage

by commission members to uncover evidence for fear that their neat little theory of one bullet/one assassin would crumble under its own evidence. While I would prefer the former, even the most patriotic of us cannot overlook the latter. Particularly since this lack of inquisitiveness is not an exception but the rule, an actual trait of the entire investigation.

Our speculations are further influenced when we weigh the testimony against the postulates of physics.

As can be seen in Appendix I of this book, the east end of Dealey Plaza is bounded by some fairly tall buildings—the Dal-Tex Building, the Dallas County Records Building, the Dallas County Criminal Courts Building and the old Court House.<sup>23</sup>

The Texas School Book Depository is situated at the northeast corner of Elm and Houston streets;<sup>24</sup> at the northwest end of the plaza is the area of the stockade fence, commonly known as the grassy knoll.<sup>25</sup>

This knoll area (circled in Appendix I) is the area from which two-thirds of the eyewitnesses thought at least one shot had been fired.<sup>26</sup> The commission, however, chose to dismiss this overwhelming majority of on-the-spot-witnesses based on the assumption that they were misled by an echo which bounced off the knoll area. The shot, the commission contends, was actually fired from the sixth-floor window of the TSBD at the opposite end of the plaza. But applying our knowledge of physics, which must be done in the absence of acoustics data, we know that sound does not bounce off foliage, as in the area of the grassy knoll, but that sound will bounce off buildings.<sup>27</sup> Therefore, what the "echo-chamber" speculation proves, if anything, is precisely the opposite of what the commission concludes. The erroneous impression was not that of the majority of witnesses that singled out the knoll as the source of shots, but with the minority which indicated the TSBD. The echo was much more likely to occur at the hard surfaces of the buildings and be absorbed by the knoll. Thus, shots being fired from behind the stockade fence would create an echo at the buildings which could cause spectators in that area to receive misinformation regarding the shot's origin. Had the shot been fired from

the building it is unlikely that an echo would occur at the knoll. Other evidence indicates that this is indeed what happened; therefore, it would not be out of order to entertain the probability that the misconception of the shots was in reverse of what the commission concluded. It is important to remember that the Texas School Book Depository was singled out by members of the Dallas police force.<sup>28</sup> Only one person "knew" the shots came from the Book Depository—Police Chief Jesse Curry.<sup>29</sup> For this reason the Dallas police have drawn much criticism. Conspiracy-eager critics readily point to this fact in an accusing manner. While I shall refrain from such a stand, I will admit that the incident, when added to other more obvious discrepancies of the Dallas police force, tends to incriminate rather than absolve certain members of the Dallas police force.

On June 5, 1967, during a KZSU (Stanford University) radio broadcast, commission lawyer Wesley J. Liebler was questioned why, in view of the above, the commission did not conduct the acoustics test. According to Liebler, "We just didn't think it was worth the time to do it."<sup>30</sup> Retrospectively speaking, perhaps the commissioners would agree that such a test was indeed worthwhile.

Fifty-eight of the ninety witnesses felt that at least one shot came from the direction of the grassy knoll.<sup>31</sup> At least eight witnesses claimed to have seen smoke.

A Miss Woodward of the *Dallas Morning News* ran a story on November 23, 1963, which stated that she and three of her coworkers heard shots that appeared to have come from the direction of the triple underpass or knoll situated to her right.<sup>32</sup> The Texas School Book Depository was to her left. She also claimed that the presidential limousine came to a halt upon which everyone just looked around at each other for a minute before the car continued. It was not her belief that anyone had yet been hit until a moment later when another shot rang out at which time she saw the president slump forward.<sup>33</sup> Miss Woodward confirmed her account in an interview with Mark Lane shortly before Lane was called to testify before the Warren Commission.<sup>34</sup>

Motorcycle Patrolman James A. Chaney who rode to the right front of the presidential limousine (GG300) also felt that the first shot missed.<sup>35</sup>

Their testimony plus others compelled the commission to admit that the shot that struck the north curb of Main Street missed the occupants of the car. The problem is that the angle of impact is not in line with Oswald's alleged sniper's nest on the sixth floor of the Texas School Book Depository.

If GG300 actually did slow to a halt, which is not apparent in the Zapruder film, then it would perhaps be because the driver's immediate impression was that the shots were being fired from in front. A stop would then be justified because of the fear of driving in toward the sniper's nest. Since there are frames missing from the Zapruder copies, it is unfortunately impossible to tell just where GG300 may have stopped.

James Vachule of the *Fort Worth Star Telegram* said on November 22, 1963, that the president was apparently shot by an assassin standing on the underpass above the freeway.<sup>36</sup>

Of course, any lone assassin would have fired at his target as it approached the sniper's nest. This is precisely the best vantage point. If Lee Oswald was in the sixth-floor window awaiting his victim, as the commission contends, his best chance would have come as the presidential limousine was facing him. Firing at this time, the assassin had a much larger target at least as far down as the president's stomach. Turning around would have taken far too much time considering the size of the limousine and the limited room to perform such a maneuver. If the limousine should speed up to escape it would first have to avoid the lead car (Curry's car), and even then it would be traveling toward the sniper. This vantage point was clear of obstructions and offered the best opportunity.

By waiting until GG300 turned the corner from Houston on to Elm street, a sniper in the sixth-floor window immediately reduced his target to a size one-third that of his previous one. Instead of firing at an (anterior) approaching and enlarging target, he is firing at a (posterior) departing and diminishing one. If the victim were to slump below the back of the seat, no



second shot would be possible. However, had the victim fallen below the back of the seat during an approaching route, he would still be vulnerable to a second and possibly third shot. A further handicap of shooting at the president by a lone assassin in the sixth-floor window was that while on Elm Street the limousine was blocked from sight for a period of time, thereby limiting the number of shots possible.<sup>37</sup>

The commission and its proponents believe that an assassin would fear that the president's car would pull out and race away from danger while on Houston Street. As mentioned above such an action was extremely unlikely since the only practical path was into a line of fire. Also the secret servicemen's testimony indicates that the cars were too close for such an elegant maneuver. They have been quoted as stating that the cars were so close that they could have actually saved the President's life had they reacted quick enough.<sup>38</sup>

The only possible reason for a determined assassin to sacrifice his anterior line of fire for a much more difficult one was if he had help from someone else. And strangely enough the only place in Dealey Plaza where the president's car was open to an effective ambush was when it turned the corner from Houston to Elm Street. At that time the president was open to perhaps four practical assassins. Had Oswald open fired from the sixth-floor window while the car was on Houston Street, a shot from either the grassy knoll or triple underpass was most unlikely.

Not only were the spectators generally convinced that shots came from places other than the TSBD, but Dallas Patrolman Weitzman actually ran up the knoll and scaled the wooden fence.<sup>39</sup> It was only after he was directed to go to the TSBD that Weitzman searched the building.<sup>40</sup>

The commission's Baker and Truly encounter with Oswald can be better understood when we realize that Roy S. Truly, the Texas School Book Depository manager, ran into the Book Depository only because he thought he could be of assistance to Marion Baker, the police officer that had just entered the building. Truly was also of the persuasion that the shots were fired from the grassy knoll.<sup>41</sup>

O. V. Campbell, the Book Depository's vice-president, at the time was not interested in his building either; he like scores of other witnesses was busy searching the knoll area.<sup>42</sup>

The Secret Service questioning of eyewitness Jean Hill is a very frightening revelation. In volume 2, page 43, of the Warren investigation transcripts, Mark Lane states in his public hearing that despite Miss Hill's insistence that she heard from four to six shots, the interviewing agents told her that "there were only three shells so we are only saying three shots."<sup>43</sup>

Senator Ralph Yarborough of Texas, who rode with Vice-President Johnson in the motorcade, was approached by two agents that handed him an affidavit that was outlined in a semblance of testimony and that stated it was all he knew about the matter. Fortunately, Senator Yarborough refused to affix his signature, despite the agents' demands, and, subsequently, he submitted his own statement.<sup>44</sup>

Such conduct by government agents performing the task of gathering information is inexcusable and amounts to nothing short of misrepresenting the witnesses' actual statements in an effort to deceive.

If the investigation was in fact an honest inquiry devoted to ascertaining the facts, it would be conceivable that any helpful information would be accepted, unless some preconceived notion was in danger of destruction. Where there is evidence of tampering with the testimony by agents in the field, perhaps those responsible should be called to answer for their actions. It just so happens that Miss Hill's and Senator Yarborough's experiences were not the only ones. There is evidence that both the FBI and Secret Service carried out some pretty shifty maneuvers during the investigation. For an in-depth review of their investigation read *Whitewash Two: The FBI-Secret Service Cover-up*, by attorney Harold Weisberg. It is a far superior presentation than this simply because it deals strictly with that topic. However, passing references will be made to Mr. Weisberg's investigation.

Not only did Dallas agents dismiss the witnesses testimony, which incidentally was usually taken in back rooms with only a stenographer present,<sup>45</sup> but the commission lawyers also used

some questionable tactics to deemphasize or altogether eliminate testimony that was damaging to the single-bullet theory. For example: Lee E. Bowers, Jr., a railroad employee who was at work in the railroad tower during the assassination told the commission that he saw a flash of light or puff of smoke from the knoll.<sup>46</sup> But despite Mr. Bowers's convictions regarding this point, Arthur Goodhart concluded that a puff of smoke and flash of light *cannot be confused*.<sup>47</sup> Bowers's testimony about that point was thus dismissed.<sup>48</sup>

On November 17, 1966, before the Associated Press editors' convention in San Diego, commission lawyer Joseph A. Ball said that weapons do not give off smoke. The statement contradicts chapter 4 of the Warren Report for which he (Ball) was partly responsible.<sup>49</sup> Furthermore, Commission Exhibit (CE) 3133 is a letter from FBI Director J. Edgar Hoover to the commission notifying them that according to the FBI tests, the Mannlicher-Carcano emitted a small amount of smoke which was visible in daylight.<sup>50</sup>

Mr. Goodhart employed other schemes to potentially offensive witnesses. Goodhart charged J. C. Price with "meticulous precision," which according to Goodhart illustrated the legal maxim that Price was telling an "untruth."<sup>51</sup> In other words it was Goodhart's feelings that Price was lying.

According to Price's sworn affidavit, he saw a man fleeing from behind the fence on the knoll with something in his hand.<sup>52</sup> Price's position on the roof of the Terminal Annex Building across the plaza allowed him to make such an observation. After receiving the affidavit, one would assume that the commission would be interested in probing Mr. Price's observation. Price, however, was never called to testify before the Warren Commission.<sup>53</sup> Fortunately, Mark Lane did uncover Mr. Price's important observations in his filmed and taped interview with him on March 27, 1966.<sup>54</sup> The commission makes no mention of J. C. Price anywhere in its 726-page report.

Another railroad employee, S. M. Holland, testified that he heard four shots which sounded as though they came from the trees on the north side of Elm Street.<sup>55</sup> He also said that he saw

two men running from the area behind the fence.<sup>56</sup> Holland's testimony not only confirms Miss Hill's feelings that at least four shots were fired, but his observation corroborates the observation of people running from behind the fence. Holland's testimony makes Price's even more valuable than if Price had made the observation alone. Certainly the commission saw something bothersome about the area behind the fence.

The "overprecise" witnesses did not supply the only evidence of another assassin at the fence. The testimony of James L. Simmons concurs with them. Simmons stated that although he did not see anyone running from the area, he did notice footprints on the fence and bumper of a station wagon parked there.<sup>57</sup> (There was fresh mud found behind the fence because of the early morning rain that fell in Dallas on November 22). Simmons also noticed a puff of smoke when the shots were being fired.<sup>58</sup>

Simmons is an interesting witness because he testified before the commission that he did not think the shots came from the knoll. *Why then did he run behind the fence to engage in a search of the area?* He did do this, because he confirmed the act in his March 28, 1966, interview with Mr. Lane in Mesquite, Texas.<sup>59</sup>

A man, or men, were reported being seen by a number of witnesses at the time of the assassination. But one witness adds even more credence to the claim. Miss Julia Ann Mercer, in her sworn and signed affidavit filed with the Dallas sheriff's department on November 22, 1963, states that she saw someone scale the knoll with what *appeared to be a gun* approximately four hours prior to the arrival of the presidential motorcade.<sup>60</sup> This is a very interesting statement and I doubt whether anyone could take it for granted—particularly the Warren Commission where every single one was a lawyer. Unfortunately, again, this is not the case. Julia Mercer was never called to testify before the commission or members of its legal staff.<sup>61</sup> Despite the obvious value of her affidavit she, like others, was pushed aside as just another insignificant.

Eyewitness Arnold Rowland who stood across the street from

the Texas State Book Depository looked up toward the tip of the building shortly before the president's car passed. Rowland noticed a man standing at the window with a rifle.<sup>62</sup> The teenager quickly made it known to his wife who, at the time, was standing by his side. Mr. Rowland thought that the man was a secret service agent. He also noted a black man hanging out another window. This, on the surface, seems to corroborate the commission's claim that the assassin was in the Texas State Book Depository. But the commission placed the sniper's nest in the *easternmost* window of the sixth floor.<sup>63</sup> Rowland's man, according to his testimony, was standing in the *westernmost* window.<sup>64</sup> This is a great difference and it creates an additional problem. Remember, the Dallas police claimed that they found the empty cartridges and other "evidence" at the easternmost window. No one doubts that someone fired some shots from behind and above also. The autopsy sheets and governor's wounds prove that. But the assassin's location is extremely important, as will be shown in this account. If Rowland's testimony is correct, then someone moved the evidence from the true sniper's nest to another location. The only alternative is that Rowland was wrong, that he misplaced the man he saw by some seven windows. Unless that can be proven, the error lies with the commission and not the witness. An error by the commission would also imply that the Dallas police were incorrect in assuming that the cartridges and other evidence was found at the easternmost window, a consideration that would almost certainly concern the police in some form of misconduct. Since the latter was detrimental to the report, Rowland would have to be proven wrong. He was remarkably consistent in his testimony and was firm regarding which window he saw the man with a rifle.

Commission lawyer Arlen Specter presented Rowland with a diagram of the area around the Book Depository. Rowland was asked to mark his position before and after the shots were fired, which he did. However, in volume 16, page 949, CE 354 is not the photograph marked by Rowland; it is an "identical scene" substituted by Specter. Arnold Rowland's markings do not ap-

pear in the so-called identical version.<sup>65</sup> *Why?* There is no excuse for these substitutions and "copies" of original evidence. Why was the original not presented to the commission? Why did the commission fail to demand the originals? Unfortunately, this process was all too frequent during the inquiry.

Rowland testified before the commission on March 10, 1964. He made no attempt to steal the light by making statements about things he did not see, as is always a danger in such an important event. He could not identify the man he saw, nor did he try to. Harold Weisberg says that Rowland was baited by the commission's staff, but did not stumble. He remained precise. So firm was he that unless his testimony was destroyed it would disprove the Warren Commission's contentions.<sup>66</sup> Specter presented Rowland with false photographs that the witness immediately recognized as such, at least he recognized that the photographs were inconsistent with what he had seen at the time of the assassination.

Specter also worded his questions in such a manner that Rowland was forced to reply, "I don't know," a reply which makes Rowland appear to be unsure of what had happened or that he was uncertain about his own testimony. In truth, however, Rowland's testimony remained accurate and consistent despite seven interviews with officials.<sup>67</sup> That is more than can be said of those upon whom the commission placed unwarranted emphasis.

Unable to discredit Arnold Rowland's testimony by trickery, the commission attempts to attack through Rowland's wife. The report makes mention of the fact that Mrs. Rowland testified in Dallas to commission lawyer David Belin (not brought to testify before the commission) that after her husband told her of the man in the window, she looked back and saw nothing.<sup>68</sup> The problem here is that the report only gives a partial look at Mrs. Rowland's testimony which actually perverts her actual statement. She told Belin that "I didn't see anything because I am very nearsighted and didn't have my glasses on."<sup>69</sup> She also stated that she did not look up immediately but sometime after

her husband informed her of the man in the window. Of course, Specter was already well aware of Mrs. Rowland's sight problem since Mr. Rowland informed them of it.

Mrs. Rowland was also led into giving the type of answers that they wanted to hear—the “unsure” type. When asked, “Did he [Mr. Rowland] say whether or not there were other people on that same floor looking out the windows?” She replied, “I am uncertain whether he said that or not.” But she was “fairly certain” (regarding the building in general) that he said there were other people looking out the windows.<sup>70</sup>

How does the report treat her testimony? It states that “Mrs. Rowland testified that her husband never told her about seeing any other man on the sixth floor except the man with the rifle.”<sup>71</sup>

When Belin told Mrs. Rowland that she could reread her statement and make corrections, she requested that the statement be written in better English (she was not the best-educated girl in Dallas), but Mr. Belin refused.<sup>72</sup>

In the end, what the commission could not discredit on substance, it did so on a cheap excuse. According to the report, Arnold Rowland's testimony was dismissed because of “inconsistencies” and “false” statements that were proven false by the FBI.<sup>73</sup> This is a very unfortunate, but true, manner upon which an important witness was again sifted out of consideration. The “inconsistencies” were actually corroborations; the so-called false statements regarded matters relating to high school grades and graduation status. They were totally unrelated to any aspect of the assassination of President Kennedy or to the observations Mr. and Mrs. Rowland made. Not one single solitary statement made regarding the assassination proved to be false.

One further illustration of this great search for the truth. The report plays up Mrs. Rowland's statement that, at times, her husband was “prone to exaggerate.”<sup>74</sup> The great injustice here is that, again, the quotation is purposely taken out of context. The exaggerations Mrs. Rowland refers to are not with respect to her husband's state of mind in general or regarding the assassination, as the report would have us believe. The state-

ment was made in response to a very general question which was purposely worded in a manner that would foster such an answer.

MR. BELIN: Do you feel you can rely on *everything* your husband states?

MRS. ROWLAND: I don't feel I can rely on everything anybody says.

MR. BELIN: This is really an unfair question for me to ask any wife about her husband and I am not asking it correctly, but . . .

MRS. ROWLAND: (Interrupting) . . . at times my husband tends to exaggerate.<sup>75</sup>

What the report fails to mention is that Mrs. Rowland carefully elaborated as to limit those things which her husband was “prone to exaggerate” as personal things to “boost his ego” and things “not concerned in *any way with anything other than himself*.”<sup>76</sup> But the report leaves the impression that Mrs. Rowland made the statement, meaning that her husband had exaggerated in his testimony regarding the assassination.

Thus, the commission disregards his testimony but takes care to present an erroneous interpretation of the known facts in order to lay greater credence on its own fictitious investigation.

The method by which the commission staff interprets its testimony is totally inconsistent with learning the truth. No court of law in this country would have stood for such a misrepresentation of the facts. The witnesses themselves who gave testimony contradicting Arlen Specter's single-bullet theory were treated as if it were they, rather than Oswald, who were on trial.

Despite the overwhelming belief that at least some shots were fired from a direction other than that of the Texas School Book Depository, the commission lawyers neatly deflated the testimony while they built an edifice of confidence in unreliable witnesses. The problem is that their entire case is built on a foundation of sand, as can be seen by examining some of the commission's “key” witnesses.

Commission lawyer Arlen Specter stated that there were a number of police officers on the triple underpass that saw no one running from behind the fence.<sup>77</sup> His statement is very misleading however. First, because there were only two officers on the triple underpass, J. C. White and J. W. Foster;<sup>78</sup> others were located at places on the entrance to Stemmons Freeway to conduct traffic.<sup>79</sup> Second, neither White nor Foster was in a position to allow them to see behind the wooden fence on the knoll.<sup>80</sup> Mark Lane stood at the very place that they testified they were. The trees and the fence obscured their view so as to prevent them from getting a clear view of the area behind the fence. J. C. White testified that he did not even hear the shots when they were fired because a train was passing at the time.<sup>81</sup> How the commission could place such gravity on their testimony when they excluded the real witnesses is beyond me. It certainly does not convince me that no shots were fired from the grassy knoll.

No attempt was made by members of the commission to regard this testimony as unreliable even though it lacks the most basic depth. It doesn't even compare with the strength and testimony of other eyewitnesses. Does the report dismiss it also? On the contrary, the report *depends* on it, and testimony like it.

Probably the best-known and most publicized testimony by the commission was that of "eyewitness Howard Leslie Brennan, who Commissioner Gerald R. Ford called the commission's most important witness."<sup>82</sup>

Unlike the testimonies and affidavits of Arnold Rowland and J. C. Price, which were disregarded largely because of their so-called meticulous precision,<sup>83</sup> the commission when taking the testimony of Brennan suddenly becomes praiseful of Howard Brennan's "accuracy" as an "observer."<sup>84</sup> No longer does Goodhart's "legal maxim" on "meticulous precision" compel them to dismiss the testimony as an "untruth," instead it simply dissipates and reappears whenever the commission lawyers feel like playing "Felix the cat," using their black bag of magic tricks. It was the only way the commission could hope to pin the entire rap on Lee Oswald.

According to Brennan, he saw a man standing in a sixth-floor window leaning against the sill shortly before the motorcade passed. The man was described as being a "white, slender male weighing about 165 pounds, about 5' 10" tall, and in his early thirties."<sup>85</sup>

Weisberg charges that the commission lawyers approached Brennan with tactics that were fashioned to make his sixth-floor window identification a success and automatic.<sup>86</sup> Showing him CE477, which is a photograph of the face of the Texas State Book Depository, Brennan was asked to select the window in which he saw the white male and the three Negroes. Oddly enough, by coincident, no doubt, all eighty-seven windows in the photograph are closed with the exception of the windows the commission wanted him to select. When Brennan expressed confusion at the picture he was given a little help. "Was it because the windows were open?" asked the counsel. This was hardly the help given to Arnold Rowland or J. C. Price, who testified completely and accurately while under adverse questioning. Apparently it wasn't enough help. Brennan still picked the wrong window.<sup>87</sup>

While Brennan claimed to have seen 70 to 85 percent of the weapon, he did not see a scope.<sup>88</sup> The scope on the Mannlicher-Carcano was rather obvious, but I am more generous with Brennan than the commission was with Rowland. I grant he could have overlooked it.

When Brennan was taken to the police lineup he failed to identify Oswald as the man he saw in the window of the Texas State Book Depository. Months later he testified before the commission that he could have identified Oswald but had been afraid to.<sup>89</sup> Brennan said that because he had been the only man who could have done so, he would, thereby, have been putting his own life in jeopardy. But even after Ruby killed Oswald, Brennan never produced an identification.<sup>90</sup> This is not the picture the commission gives on page 133 of the report. It lends the direct impression that Brennan was taken to the police lineup on the evening of November 22, where he made a positive identification.<sup>91</sup>

Another point that the commission fails to mention in its report is that Howard Brennan had extremely poor vision and was not wearing his glasses at the time of his crucial observation.<sup>92</sup> While the commission was not eager to produce this fact in its report, the commission tore Mrs. Rowland's testimony apart, and out of context, even when they were aware of her poor sight.

This terribly juvenile method of conducting a government inquiry is all too obvious throughout the twenty-six volumes of evidence and testimony. No one that values a responsible approach to this unparalleled matter of national import can view the evidence without the feeling of being deceived. If any effort was made at explaining how the commission could close its legal eyes to the testimony presented, it must be in Specter's vortex theory. Specter concludes that "the witnesses in the vortex of the assassination thought to the contrary than those farther away."<sup>93</sup>

The problem with this explanation is twofold. First, the vortex, which is nothing more than an angled avenue drawn from the Texas School Book Depository sixth-floor window to the presidential limousine, presupposes the window to be the origin of the shots, which is precisely what the vortex theory is to determine in the first place; i.e., where the shots came from. If the vortex had been drawn from the grassy knoll or triple underpass, a considerably different group of witnesses would be used to answer the question. Hence, any such "vortex" whether it be drawn from the Texas School Book Depository window, the grassy knoll, or anywhere else is a discriminatory mechanism that presupposes a desired conclusion in order to prove that conclusion. In short, it is an illogical argument and completely invalid.

Secondly, many of those witnesses in Specter's vortex did believe that shots had come from the knoll. Such witnesses as Jean Hill, William Newman, Mary Woodward, and Mr. and Mrs. John A. Chism, all were of that persuasion.<sup>94</sup>

This book necessarily limits the number of witnesses' testimony that can be reproduced. That which has already been

presented here is enough to indicate the general feeling among those that witnessed the tragedy of November 22. The only rational decision that can be adjudged by the testimony, as conflicting as some of it was, is that the great majority of the witnesses felt that at least some shots came from the direction of the grassy knoll.

There was no reliable eyewitness testimony that identified Oswald as being the assassin perched in the sixth-floor window of the Texas School Book Depository. There was reliable testimony that someone fired some shots from the building. The general belief of those who heard shots from the Texas School Book Depository said there were only two from there. As this book will show, that is probably all any assassin in that spot could have fired in the 5.6 seconds of the assassination. Not a single witness could make an identification plus selection of the said sniper's window that pointed to Lee Harvey Oswald as the one responsible, to the exclusion of all others.<sup>95</sup> In fact, there is some very persuasive evidence that Oswald did not shoot anyone that day—not officer J. D. Tippit or the president of the United States.<sup>96</sup>

## ***The Case for a Second Assassin***

Following the flurry of shots, there was great panic at the scene. Those who had witnessed the president's head explode in a halo of blood before their very eyes began jumping to the ground for safety.<sup>1</sup> Shocked parents covered their children frantically to shield them from the line or lines of fire! It was the belief of some that bullets were whizzing over their shoulder from the wooden fence on the knoll.<sup>2</sup> For most, if not all, it had been a scene unparalleled in a lifetime. Secret Service Agent William Greer testified that he heard the last shot hit something hard.<sup>3</sup> Suddenly he noticed that he was covered with blood and brain tissue that had dispersed itself over the occupants of the car.<sup>4</sup> Agent Roy Kellerman riding in the right front seat described it as a "flurry of shots."<sup>5</sup>

Mrs. John Connally heard another shot following the one wounding her husband. Both the governor and his wife then observed brain tissue splattered over the interior of the car.<sup>6</sup>

The motorcycle patrolman riding to the left rear of GG300 said that he, too, had been splattered with the president's blood and brain matter.<sup>7</sup> He described the shot as being like throwing a grapefruit against the wall.

Suddenly Greer hit the accelerator. The limousine literally "jumped out of the street" taking corners at 90 mph enroute to Parkland Hospital. Mrs. Kennedy cradled her dying husband in her lap while the governor lay stretched out on the jump seat.

I need not dwell on the gore of the incident, for it becomes more than evident when one reviews the medical testimony given by the doctors that attended to the president. But it is important to give the reader some semblance of the magnitude of the

president's head wound. It is important for two reasons, one because it was the head wound that killed the president, and second because following that shot a great rush began up the green grassy slope toward the wooden fence on the knoll.<sup>8</sup> This is clearly apparent from the Muchmore film. Hundreds of dismayed witnesses saturated the area in an effort to locate an assassin.

It is conceivable, as the commission contends, that an accurate identification of the origin of the *first* shot might be compromised for any number of reasons. After all it did take the crowd by surprise, none were expecting it and many, including Mrs. Kennedy, thought the first shot was a motorcycle backfire.<sup>9</sup> But the same argument cannot so readily be made about the final shot—the fatal one. By that time most everyone in Dealey Plaza recognized and realized that there was shooting going on. At the time of that shot, which was probably the fourth or fifth (though the commission contends it was the third), the witnesses were no doubt more receptive to the direction from which the shots appeared to be coming than they had been when the initial report was heard.

It was their best assessment that at least some (maybe not all) of the shots came from the fence.

When the witnesses arrived there, they found mud prints on the fence and tracks leading away from it.<sup>10</sup> Richard C. Dodd found in addition to tracks, scattered cigarette butts.<sup>11</sup>

It is granted that neither of the above necessarily *prove* that someone fired from the knoll. It doesn't, and had the commission only that information, it could not conclude that an assassin was in fact situated there. But the commission had other testimony, some of it mentioned earlier in this book, regarding persons having been seen fleeing from the area. In the sum total there *was* evidence of the presence of a second assassin. None more so than in the testimony of Dallas police officer J. M. Smith. Smith, among the first to race up the knoll, pulled out his gun and began searching the parking lot immediately behind the fence.<sup>12</sup> He encountered one individual whom he held at gunpoint.<sup>13</sup> The man quickly flashed out his credentials and told Smith that

he was a Secret Service agent.<sup>14</sup> Smith, considering his own actions as foolish and over anticipatory, replaced his gun in his holster and continued on with his search. By now the curious Secret Service agent had disappeared and people were swarming the parking lot. The agent never stepped forward to testify nor made any attempt to clear up the dilemma. The fact is no secret serviceman was in that area. Even the Warren Commission contends such.<sup>15</sup> But there was someone there with false credentials. That fact was confirmed three years later on December 4, 1967, when Abraham Borden, a Secret Service special agent assigned to the White House detail that day, told Mark Lane in an interview that an unauthorized person had in fact used Secret Service credentials in Dallas on November 22, 1963.<sup>16</sup> All Secret Service agents attached to the motorcade went directly to the hospital.<sup>17</sup> On November 27, all special agents were required to surrender their commission books or ID documents.<sup>18</sup> This was an extremely important matter, one that deserved the undivided attention and thorough investigative efforts of all members of the commission. For a reason that is still unknown to me, the commission refused to let Mr. Borden testify.<sup>19</sup>

So the evidence of a second assassin is not nearly as superficial as the report makes it out to be. The information provided here shows that an explanation, if one exists, is long overdue. The denial of the right to testify is by itself alarming, particularly when the witness was of such importance as was Mr. Borden. So much for justice.

It is not hard to understand that the area on the knoll was an excellent place from which to shoot. The fence provided a sturdy gun rest and the line of fire was clear from obstructions.

An escape posed little problem. J. C. White testified that a train was passing through the area at the time of the assassination.<sup>20</sup> District Attorney Jim Garrison of New Orleans found a number of large sewerlines running under the knoll. Behind the fence there is a three-foot wide entry hole which could provide an easy escape for an assassin, or simply a place for an assassin to hide a murder weapon and then flash out some phony credentials in order to appear as one of the "good guys."<sup>21</sup> There

is no evidence that searching police officers were even aware of the sewers. If they were, they did not search them.

The parking lot behind the fence could offer an immediate exit or supply a convenient car trunk in which to toss a rifle. The car could have been driven off virtually unnoticed, or again, after hiding the weapon and posing as a government agent, the assassin, replete with ID card, was assured a getaway. A simple spectator might have been arrested, but was a buck patrolman going to arrest a Secret Service agent? The incident surely raises more eyebrows than those of commission critics.

With all these witnesses combing the knoll area for an assassin, how did the eventual suspect, Lee Harvey Oswald, an employee at the Texas School Book Depository, get charged with the crime? This question has never satisfactorily been answered by the commission. In fact, there are a number of missing pieces to the puzzle the commission attempts to put together.

The report tells us that Dallas police officer Marion Baker ran into the Texas School Book Depository immediately following the shots.<sup>22</sup> The report says that Baker met Roy S. Truly, the Texas School Book Depository manager, who offered Baker his help.<sup>23</sup> Baker contends that he recognized the shot and knew it came from the Texas School Book Depository. But he himself stated that it (the first shot) could have come from another building across the street (Houston) from the Texas School Book Depository.<sup>24</sup> The commission's report sights the pigeons' flying from the depository as indicative that the shot had come from there, but Baker was not even sure from what building the pigeons had come.<sup>25</sup>

Roy Truly was as close to his building as was Baker, if not closer. His impression was that the shots came from the direction of the grassy knoll.<sup>26</sup> The only reason that he entered the book depository was because he thought he could be of assistance to Baker.<sup>27</sup>

Once inside the building the two climbed the backstairs in an effort to reach the roof. At the second floor Baker claims to have caught a "glimpse" of Oswald standing at the soda machine with a coke in his hand.<sup>28</sup> Baker poked his gun in Oswald's



belly, but Truly, who by then realized Baker was gone, stepped into the lunchroom and identified Oswald as an employee.<sup>29</sup> Baker and Truly then left Oswald to continue their search, and Oswald allegedly escaped.

The chance of such an "escape" is indeed unlikely if not impossible. First we must remember that in order for Baker to have encountered Oswald in the second floor lunchroom, as he probably did, it was almost imperative that Baker actually step inside the lunchroom before he caught a "glimpse" of Oswald. The aperture was so small that his glimpse from the stairwell was extremely unlikely if not altogether impossible.<sup>30</sup>

According to Baker, Oswald was not out of breath and did not appear to be nervous.<sup>31</sup> This is certainly an incredible feat for Oswald who allegedly just seconds before had shot the president from the sixth-floor window,<sup>32</sup> ran across the storage room, scaled a wall of boxes, concealed the murder weapon, ran back across the room, descended four flights of stairs, selected the proper coin from his pocket, operated the machine, popped the bottle open and consumed some of the contents by the time Baker met him in the lunchroom. Baker had only the time to run into the building and climb one flight of stairs in order to have such an encounter with the alleged assassin. And since the backstairs was the only means of ascent or descent (the elevator was not in operation at the time) Oswald would have had to reach the second floor lunchroom *before* Baker and Truly reached the bottom of the stairwell. This is true because Baker and Truly did not see him coming down as they were going up.<sup>33</sup>

The problem is that the entire "flight" failed under the time tests. Officer Baker himself attempted to go through Oswald's alleged movements. He failed to do what the commission said Oswald had done in the time allotted to him, and that test was done with the aid of someone else to hide the weapon. Oswald would have had to do that all alone. By the time the Warren Commission was finished with Oswald he would have had to be a six-million-dollar man.

Harold Weisberg uncovered four documents in commission files 81B, 87, 1526, and 1546 which shed a further question upon

the reliability of Baker's testimony.<sup>34</sup> According to the documents, shortly after the assassination Baker executed three sworn affidavits. In one he states, "As we reached the *third floor* or *fourth floor* I saw a man *walking away from the stairway*. I called the man and he turned around and came back to me."<sup>35</sup> The descriptions made by Baker of the man he encountered were the same as those made by the commission's "key" witness, Brennan. Even the errors coincided.

It was Truly's affidavit that gave the account of the encounter on the second-floor landing.<sup>36</sup> According to Truly, Baker stuck his head into the lunchroom where the machines were.

On the same day Officer Marvin Johnson took a statement from Baker saying that he encountered *and searched* a man on the fourth floor of the Texas School Book Depository, until Truly described him as an employee.<sup>37</sup>

On September 23, 1964, ten months after the original affidavits were submitted and on the final day before the commission's report was printed, Marion Baker and Roy Truly were "reinterviewed" by Special Agent Richard Burnett. This final statement contains the words *drinking a coke* (referring of course to Oswald) on the *third floor*, both of which have been crossed out.<sup>38</sup>

The corrections were supposedly initiated by Baker. The typed version that is in file 1526 does not contain the corrections or deleted phrases, but at the bottom it reads, "I have initialed each page and made corrections."<sup>39</sup> Who then was responsible for the corrections, Officer Baker or someone else?

When Baker appeared before the commission he was questioned by commission lawyer David Belin. Had Belin presented the original statements to the commission members present, I question whether Baker's encounter with Oswald would have been given the weight it was by the commission. It certainly appears that even the commissioners were receiving unreliable and perhaps doctored evidence. Considering the tight timetables of commission members, it is not difficult to see how the original statements never passed before them. The final statement taken by Secret Service and FBI agents were assumed to be original,

unrehearsed statements. However, the preceding incident casts a shadow of doubt upon agents responsible for conducting the investigation. It would not be fanatical to assume that someone was fashioning the evidence prior to review by the commission members. (For a more detailed account see chapter 5 of *White-wash Two*.)

With Baker's testimony we have a second "key" witness which proved Oswald was in the building at the time of the assassination. But there is other evidence which indicates that Oswald may have been in the doorway of the Texas School Book Depository and not in the sixth-floor window at the very time the shots were being fired.<sup>40</sup> It is detrimental to the Warren Report if this latter notion is true. It is far more likely for Oswald to have walked up one flight of stairs and into the lunchroom than to have done everything allotted to him while fleeing from the sixth-floor window, before being confronted by Baker. The most famous product of this evidence is the Altgens picture which was taken by an AP photographer just at the time that Governor Connally was being wounded (see chapter 4). It shows a person that looks exactly like Oswald, right down to the clothing, standing in the Texas School Book Depository doorway. The figure is not that of employee Billy Nolan Lovelady as the Commission contends.<sup>41</sup>

In confirmation of this theory is commission document No. 5, which was not included as evidence in the Warren Report.

Mrs. Carolyn Arnold, another Texas School Book Depository employee, stated that she caught a glimpse of Oswald in the hallway of the first floor at 12:25 P.M. This is just minutes before the assassination. More importantly, 12:25 P.M. was the time that the motorcade originally was to pass the book depository had it been on schedule. The entire route had been published in the *Dallas Morning News* and other papers in the city. It was from that source that Oswald allegedly learned of the route. Had Oswald planned to shoot the president from the sixth-floor window, he certainly would not have been on the first floor at the time the motorcade was scheduled to pass. Mrs. Arnold's

sighting concurs with other evidence which proves or nearly proves that Oswald could not have been on the sixth floor at the time of the assassination. Other witnesses that testified to seeing a man in a window said he was there seven minutes before the assassination.<sup>42</sup>

Part of Oswald's alleged flight is humorous at best. Are we to believe that a man that had just shot the president and wounded the governor would move with the speed of light in order to hide his weapon and bolt down four flights of stairs in an effort to escape, only to stop in the lunchroom to quench his thirst? Surely anyone who had just committed such a crime would be more concerned with getting away from the assassination sight before cracking open a bottle of pop. It simply does not make sense.

Oswald's said movements following the assassination are fragmentary and partly speculation.

The Warren Commission relied on the testimony of the bus driver Cecil McWatters and, more importantly, taxicab driver William Whaley who allegedly took Oswald to several locations. Even this reconstruction proves to be an unlikely ordeal and tends to further incriminate those who formed it.

District Attorney Henry Wade of Dallas originally stated that a cab driver named Daryl Click transported Oswald from the book depository to his house.<sup>43</sup> When Mark Lane tried to locate the driver he found no such person registered with either the local taxicab driver's union or the city transportation company.<sup>44</sup> Later, the name Daryl Click changed to William Whaley. The report says that the error was made by the stenographer when confusing the name Daryl Click with the area of the city called "Oak Cliff."<sup>45</sup> As the report presents the story, I do not buy it. Only when the original tape from station WBAP in Fort Worth is supplied will the story be able to receive confirmation.

When William Whaley did testify before the commission, he claimed that he picked Oswald up at 12:30 P.M., but the Warren Report places the time of the first shot from the sixth-floor window to be 12:31 P.M.,<sup>46</sup> a minute *after* Whaley contends to

have picked up the assassin. It was impossible for such a pickup until at least 12:48 P.M., according to the report,<sup>47</sup> and even that is questionable.

When Whaley picked out Oswald at the police lineup November 23, after Whaley had already seen Oswald's picture in the paper, there seems to have been a number of discrepancies in his recollection of the incident and that of the Dallas police. Whaley felt that Oswald was placed in line with five young teenagers to which Oswald protested. The report denies this and said there were two teenagers and one twenty-six-year old.<sup>48</sup> Also Whaley testified that a lady ran over to the cab for a ride and Oswald offered to let her have it, but she declined his generous offer.<sup>49</sup> If as Whaley contends this incident did happen why would a man trying to flee from the crime he had just committed make such a foolish offer? Why did the woman not step forward to make an identification of the man she saw in the cab? In fact, who was she? The questions go on and on but the explanation just doesn't add up no matter how one tries to rationalize it.

There is a very telling story regarding Whaley's statement to the police. Whaley swore that Oswald wore two jackets when, in fact, he wore none.<sup>50</sup> Later evidence shows that Whaley executed false statements and *signed a blank piece of paper* relating to Oswald's identification *before* he had been taken to the lineup where he was to make the identification.<sup>51</sup> The blank paper was left to be filled in by the proper "authorities."<sup>52</sup>

The blank statement was given to Assistant District Attorney Bill Alexander, a close friend of Jack Ruby.<sup>53</sup> The information that Whaley signed a blank piece of paper was obtained under oath.

Whaley has since joined the other victims of mysterious deaths that related to the Kennedy assassination. To date, all those who aided Oswald in his so-called flight are dead. Others have also unwantedly joined the list, including two reporters who met their deaths. One died from a gunshot wound in the heart while in a police station and the other by a karate chop in his apartment.<sup>54</sup>

On August 9, 1966, witness Lee Bowers was killed in an automobile accident near Midlathian, Texas. He had told Mark Lane that he had knowingly withheld information when brought before the commission and was not anxious to expand his testimony when commission lawyers changed the subject,<sup>55</sup> the reason being that when Bowers was questioned by Dallas police on November 22, 1963, he was taken to an interrogation room where his testimony was not treated with acceptance.<sup>56</sup> It was because of that experience that Bowers answered only the questions he was asked and did not elaborate without the commission's asking. That information was given to Mark Lane in his interview with Bowers on March 31, 1966. Four months later Bowers was dead.

The curious nature of the deaths ranges from suicide to homicide and encompasses everything in between. The deaths are just another frightening dimension of the atrocity in Dallas.

One question related to the Oswald case which was never satisfactorily explained by the commission is, how did the police ever pick up Lee Harvey Oswald as the murder suspect, when earlier he had been let go from the Texas School Book Depository building?

William Manchester in *The Death of a President*, and Judy Bonner in *Investigation of a Homicide* suggest that following the assassination, Texas School Book Depository employees were mustered together for a roll call, which allegedly revealed Oswald as the only absentee.<sup>57</sup>

But this account is false. No such muster was ever held. If it had been, the police call would have certainly included more employees than Lee Harvey Oswald. Many employees were out watching the presidential motorcade at 12:30 P.M.; others were out to lunch. In fact only 75 percent of the employees were present at the book depository, forty-eight of which were outside at the time. Five others did not even show up for work on November 22. Still others left work following the shots and few, if any, were allowed back in the building because of the police search.<sup>58</sup> With the weight of that evidence we can dismiss the so-called employee roll

call. Without it there is no way that Oswald could have been singled out as the assassin.

The report states that Oswald was apprehended in the Texas movie theater after he had been seen entering without the purchase of a ticket. Shortly before, he is alleged to have shot officer J. D. Tippit who was patrolling the Oak Cliffs area—a story in itself. The account offered by the commission is now subject to serious doubt in view of three contradicting statements uncovered by Harold Weisberg while checking the commission files. The contradicting statements are not even mentioned in the Warren Report or its twenty-six volumes.<sup>59</sup>

According to the Secret Service reconstruction, Oswald had only thirty seconds to enter his house, change his clothing, and arm himself. The accused then left for the bus stop where only one witness, Earlene Roberts, is reported to have seen him.<sup>60</sup>

The commission allows “seconds,” how many is not given, for the bus to arrive and take Oswald away. Incidentally, the bus traveled in the opposite direction of the movie theater.<sup>61</sup>

While the Secret Service report allowed Oswald but twelve minutes to get from his room to the Tippit murder scene, the commission, from its witnesses’ reports, needed seventeen minutes and forty-five seconds for the same journey. This means that had Oswald been the man that murdered Tippit, as the commission contends, he did so five minutes *after* the shooting was broadcast on the police radio.<sup>62</sup>

In spite of the report’s claim that Oswald was traced to the theater, it is not true. Not one witness stated that Oswald was the “man” seen running behind the gas station,<sup>63</sup> and after the “man” disappeared behind the gas station, he was *not* seen again.

The Secret Service report gave Oswald but ten minutes to reach the movie theater; the Warren Report gave him thirty minutes.<sup>64</sup>

The Tippit murder contained radically incongruent aspects. The version submitted to Inspector Kelly said that Officer Tippit had been shot “twice.” But Kelly’s report upped the number to three times—once in the head and twice in the chest. Eventually the number reached four.

According to the report, Oswald shot Tippit at 1:00 P.M., an act which was allegedly witnessed by Helen Louise Markham. The murderer ran, taking off his jacket and tossing it in a parking lot, at which time another “eyeball” witness was produced.<sup>65</sup> Both witnesses described the man they saw as having *black wavy hair*. Oswald had light brown hair which was anything but wavy.

The jacket shed by Tippit’s assailant was not, as is typically thought, Oswald’s. Marina Oswald testified that she had never seen the garment. Lee Oswald, she said, had only two jackets neither of which was like the one the commission was asking about. Inside the jacket was a laundry tag stamped B9738.<sup>66</sup> The laundry tag mystery was never solved. The number B9738 was given at 1:44 P.M. on November 22, 1963. However, on April 24, 1964, J. Edgar Hoover reported that this laundry tag number “30030” could not be traced.<sup>67</sup> There has been no mention of this curious number change in the commission’s report. And further studies, though I am not certain as to their validity, have revealed that the B9738 tag was from the New Orleans area. Marina Oswald testified that she always washed her husband’s jackets and that Lee never brought them to the cleaners. No other item of Oswald’s clothing bore similar tags, and the jacket that the commission concluded belonged to Lee Harvey Oswald, did not even fit him.<sup>68</sup>

That jacket was used by the commission to link Oswald to the Tippit murder. It provided a trail by which to get Oswald.

The entire Tippit murder is scarcely even covered in the Warren Report. It takes up but sixteen pages under the heading “The Killing of Patrolman J. D. Tippit.” The Secret Service people in Dallas reported that the patrolman had been shot twice. Federal Inspector Kelly, who took the report himself, later reported that Tippit had been shot three times. Again the commission of lawyers put its wisdom to work and reported that Tippit was shot *four* times.<sup>69</sup> Perhaps there should have been a mathematician on the commission. Is there any question why the report treats the entire subject so lightly? Could it be that there was a lack of evidence? About all the report tells the reader is that Tippit was shot to death. But the commission was

not concerned with how many times Tippit was shot, rather they were inclined to pin the murder on Oswald.

The official homicide report is nowhere to be found in the Warren Report or its twenty-six volumes of evidence. Weisberg found it, but the time of death was recorded as two minutes after the police broadcast said he had died.<sup>70</sup>

The Homicide Bureau also placed the number of shots at *three* but noted that one was in the stomach.<sup>71</sup> Kelly said it was in the chest, and to tie up the entire mess in another knot, Tippit's autopsy report was not released until mid-December 1963, three weeks after the incident, long after Tippit was buried. There is yet to be an acceptable official answer to this dilemma.<sup>72</sup>

The final autopsy, even after three weeks of examination, seems to have been out of order. Special Agent Moore reported to the County Medical Office on December 9, that Tippit's autopsy report had not yet been completed. He further stated that one bullet was removed from Tippit's stomach, even though the report accounts for no such wounds. He said the bullet's recovery was made after Tippit was pronounced dead on arrival at "Methodist Hospital." The official autopsy, however, bears the date November 22, not December 9, and the place is marked as "Parkland Hospital."<sup>73</sup>

Recovery of the bullet that struck Tippit in the head is not noted. Nor is there any mention of rib-cage penetration.<sup>74</sup> All wounds of the torso are said to be superficial, contradicting Dallas Police Officer R. A. Davenport's claim that one bullet was removed from Tippit's stomach.<sup>75</sup> And to top it off, the autopsy report in the government's file is only a poorly photostated copy. No original or carbon copy exists there.

His autopsy, despite its errors and contradictions, was still better than the one given the president. Both Tippit's and Oswald's wounds were measured from inflexible points of the body, as they should be. But, President Kennedy's wounds were measured from only flexible ones.

For that reason no wound locations can be considered absolutely precise. There are few doctors, if any, in this country that are not horrified by the terrible autopsy given the president.

These problems give us reason to doubt or at least question the authenticity of the autopsy report on Officer J. D. Tippit. The evidence presented does not satisfy the conditions under which the commission was to decide Oswald's guilt.

In 1967 CBS News presented a special series of programs that dealt with the Warren Report. Walter Cronkite, who displayed his support for the commission's conclusions, narrated. On the question of Tippit's assailant, Cronkite credited two witnesses, Ted Callaway and Domingo Benavides, as witnesses making "positive identification" of Lee Oswald. Of the two, Benavides, on November 22, 1963, could NOT make an identification nor was he even taken to the police lineup.<sup>76</sup> Three years later, however, he thought Oswald bore a resemblance to Tippit's murderer.<sup>77</sup> Even the Warren Commission would not credit Benavides's identification.

According to Helen Louise Markham, who witnessed the actual shooting of Tippit, her sworn affidavit was in error regarding her distance from the murder. The affidavit says Miss Markham was fifty feet away from the shooting. She said the distance was closer to one hundred feet. Her identification of the murderer was that he was on the "heavy side" and he had "bushy hair," neither of which characterized Lee Oswald.<sup>78</sup> She told Mark Lane that she picked Oswald out of the police lineup based on the pants and gray jacket.<sup>79</sup> Thus, her identification was of the clothes he wore and not of the man himself. She could identify the jacket—a jacket that the police made him wear, the jacket Marina Oswald never saw. If, however, the murderer of J. D. Tippit was on the "heavy side" he might have fit the jacket—it was too big for Oswald.

When Miss Markham testified initially before the commission, she flatly denied having the above conversation with Lane. However, review of the conversation transcripts indicated that she in fact did have it.

Afterward, she finally admitted to it, but the commission "considers her testimony to be reliable."<sup>80</sup>

Oswald's capture at the Texas movie theater has been generally accepted by proponents of the report to be merely the

end of a string of events which successfully placed the cuffs of guilt on him. The entire episode is very questionable, not that the incident did not take place, but the way that it all happened.

*Investigation of a Homicide* presents the Dallas police log as evidence of Oswald's capture by the Dallas police. According to that log, a call went out at 1:45 notifying units that a man had entered the Texas movie theater without purchasing a ticket.<sup>81</sup> The irony of this is that no mention of Lee Oswald or his description was yet broadcast. There was no evidence yet that the man entering the movie theater was in any way connected with the Tippit shooting nor that the man who shot Tippit was also the suspect in the assassination of the president. Yet, with two seemingly more important fugitives at lodge, fifteen Dallas police officers packed into a number of cars armed with shotguns to investigate a person who had slipped by the girl in the window without paying.<sup>82</sup> It staggers the imagination that such a priority was placed on what normally was considered insignificant; there was no way that the police knew their two assailants were the same man that entered the theater. Certainly no such urgency was indicated in the radio log, and even the Warren Report contends that the police did not know Oswald was the assassin at the time of his arrest.<sup>83</sup> In any case, it seems a bit strange that so many men would be sent to the theater when there were so many more important things going on at the time. In the end, it served a convenient purpose.

There is varying testimony regarding Oswald's struggle with arresting officers. Some say that Oswald squeezed off a shot but that the bullet failed to fire.<sup>84</sup> Others say that Oswald's hand and gun were grabbed before he could squeeze the trigger. The accent seems to have been on the former, but the evidence tends to indicate, if anything, that the latter is true. Suddenly the pistol that worked so well on Tippit just moments before, failed all of a sudden. Officers supported each other in their account that Oswald struck Officer McDonald, but only a few saw it. Only McDonald allegedly heard the suspect say, "It's all over now."<sup>85</sup>

Firearms experts that ran tests on the revolver told the

commission that Oswald's shells in the chamber had never been touched by the hammer.<sup>86</sup>

Despite the report's claim that a number of people were in the theater at the time of Oswald's arrest, only two testified to it.<sup>87</sup> One of the two, George Applin, Jr., also stated that one officer grabbed the shotgun by its muzzle and hit Oswald in the back with the butt end.<sup>88</sup> While the commission promptly states that no other officer testified to Oswald's being hit, the evidence is that he had been. The report says Oswald never complained that he was struck. This is not true. Oswald did say repeatedly before TV cameras that the police had hit him. Even the report acknowledges that Deputy Sheriff Walthers had a shotgun in the theater but the commission pursued the matter no further after Walthers stated that he "laid it on some seats before helping subdue Oswald."<sup>89</sup>

I cannot believe that any officer would lay down his weapon in order to aid "four or five" other officers that were in the process of subduing Oswald. I doubt whether the loaded shotgun, of all things, was left untended while Walthers went after an armed victim with his bare hands. I know if my brother-in-law, who is a detective, practiced that kind of neglect he wouldn't be alive today. The matter should have been examined.

Perhaps the entire Tippit affair would have had some credibility had the bullets retrieved from his body been traced to Oswald's revolver. According to the report, they could not be linked with Oswald's gun.<sup>90</sup> The conclusion came after tests made by FBI firearms expert Cortlandt Cunningham of the bureau's firearms ID unit, which revealed no positive link between the four cartridges found at the scene of the crime and the test bullet which was found in Oswald's possession at the time of his arrest. Similar tests were carried out by such people as FBI expert Robert A. Frazier and Joseph D. Nicol of the bureau of criminal identification and investigation for the state of Illinois.

The four bullets recovered were smaller than Oswald's pistol barrel, and the separate investigators unanimously agreed that the bullets could not be traced to Oswald's Smith & Wesson.<sup>91</sup>

## ***The Photographic Evidence***

"Photographs don't lie—unless they are made to," says Harold Weisberg, and the photographic evidence submitted before the commission seems to have done just that. It is interesting to note that of the twenty-two films and photographs taken during the assassination, only a few were selected for viewing by the commission! Only four have received the major part of publicity and comprise almost the entire printed evidence in the Warren Commission's report. The Zapruder film, the Nix film, the Muchmore film, and the Altgens photograph; all the rest are but a mystery.

The most important one of the above is without doubt the Zapruder film taken by Abraham Zapruder from his position on the cement structure between the TSBD and the grassy knoll. Zapruder's film captured the assassination as no one else, and though he did not realize it at the time, his film would be the major single piece of evidence by which the truth would be known.

While the police were busy charging Oswald with the crime of the century, Abraham Zapruder was getting his precious film developed. Though the commission would use his film to pin the entire rap on one man, the Zapruder film actually proves just the opposite—that it was absolutely impossible for one man to have done all the shooting.<sup>1</sup>

The first thing one realizes while reading the report is that this major piece of evidence is not printed anywhere in the book. It is, however, printed in volume 18 of the commission's evidence. One can only guess after watching and analyzing the film that the reason for this omission was precisely because it disproves the single-bullet theory and destroys the Warren Report.

The first printed frame of the Zapruder film is Z171.<sup>2</sup> The first 170 frames have been omitted. The reason given is that they do not pertain to the assassination, but are private footage. Having seen the film in motion, I agree that the president has not been wounded by frame Z171. There has been testimony that reveals the possibility of an earlier shot, however, and in the interest of proving that to be untrue, I believe that earlier frames should have been shown. To the best of my knowledge, the commission's claim of irrelevancy is true, and while some have criticized its omission as a major fault, I consider it minor.

As the film progresses, GC300 (the presidential limousine) rolls down Em Street and approaches the Stemmons Freeway sign. The president can be seen clearly, waving his hand toward the crowd just until a split second before he passes behind the sign.<sup>3</sup> At that point, though it is not very obvious, the president's arm stops in the middle of a wave when he goes behind the sign and out of view of Zapruder's camera for a brief instant. When the president emerges from behind the sign at Z225, he is already reacting to a bullet wound.<sup>4</sup> (See Appendix II.)

While it is the first shot to hit its victim, it is not necessarily the first shot. It could be the second, since one shot, the first or second according to the report, struck the north curb on Main Street and missed both the president and the governor.<sup>5</sup> Thus, in the time that President Kennedy went behind the sign and again emerged, he was struck for the first time. His arms are moving up toward his throat with both fists clenched tightly. The expression on his face confirms the shot hit its target. But while the president was behind the sign, frames Z207, Z208, Z209, Z210, and Z211 have been cut from the printed version.<sup>6</sup> In addition frame Z206 is a composite.

The frames were important despite the fact that the president was, at the time, hidden behind the sign. A blur might fix the exact time that Zapruder heard and reacted to the shot. The commission contends, however, that the frames Z207-Z212 were spoiled during processing and for that reason were removed! I suppose that it is very possible that this is what had happened,

even if it was at an important moment, but the comedy of errors does not end there as you will soon see.

As the film progresses, Governor Connally, who was riding in the same automobile in front of the president, begins turning to his right in an effort to see the president, when he gets so far in his turn and realizes that he cannot see the president, he begins to turn in the opposite direction. At about frame Z234 Governor Connally's right shoulder collapses, his hair is noticeably mussed, and his cheeks fill with a great burst of air. While most analysts of the film grant that this was a separate shot hitting Governor Connally, the commission refused this theory simply because the shot would have occurred too soon to have come from the same gun. This will be explained fully as this chapter progresses. So by frame Z236 we have both the governor and the president wounded, the commission—in dismissing the second-gun possibility—substituted Arlen Specter's theory of a single bullet passing through the president at about frame Z210 (while still behind the sign) and going on to strike the governor in the back. The problem is that approximately twenty-six frames pass before the governor shows that he is wounded. The commission attempts to explain this away by attributing it to "delayed reaction," another ridiculous argument. That theory is so paper thin that even medical people raise their eyebrows when hearing it. This, too, will be elaborated upon shortly.

The final shot takes place at Z313 when the president's head is blown apart. It is the fatal wound, and the commission treats this frame very interestingly. Again, as before, the commission says the shot was fired from behind.

Going back to the missing frames Z207-Z212—as mentioned earlier, they were said to have been spoiled during processing. The film might have indicated whether GG300 came to a halt as some witnesses testified. If it did, it would be consistent with a reaction to shots thought to be coming from the front. Since the president's hands are moving toward his throat at the time, it would be a likely subject about which to inquire.

The absent frames at that particular time lead only to increased speculation. In view of the controversy, what other

choice is available? If indeed they were spoiled, it would have only been common sense to print the spoiled footage, either in its original position or separately in order to attest to their mutilation. By doctoring the evidence out, the commission created greater problems than it solved. I agree that printing the spoiled film would not make the spoiling any more honest, but that in itself could later be ascertained. The question today is, "What happened to the damaged sections?" Why are they not printed in the twenty-six volumes of evidence? Surely it is much more relevant to the crime than Margarite Oswald's dental records which appear! Why are they not contained in the government files in the National Archives? To the best of my knowledge they have never been produced. I have never seen nor heard of anyone ever receiving proof of their fate. There is no evidence that members of the commission ever examined them or asked to examine them. Are we to believe that they were discarded? Or are they also in that great executive mystery vault under top-secret classification initiated by Lyndon Johnson until the year 2039. If they are, they have no business being there and ought to be declassified immediately for public inspection. That vault is supposed to contain material sensitive to "national security." If the damage done to them is honest, analysis should prove this. If not, the only reason I can see for their being locked up is personal security. That is only speculation, but what else have we got to go on?

It is difficult simply to accept the fact that this important copy of the Zapruder film was damaged. If it was, certainly a second copy was in order. In fact, the copy the commission saw was just that. A copy of a copy of the original Zapruder film.\* The original is always the clearest. Why did the commission not ask for the original film? Proponents of the report would have you believe that the reason was that it was the private property of *Life* magazine, but the commission had it completely within its power to subpoena the material if necessary. Unfortunately, the commission wasn't very interested in the original film. The members didn't even ask for it.

It was determined by both the FBI and Bell & Howell Com-



pany that the Zapruder film ran at a rate of 18.3 frames per second.<sup>9</sup> FBI expert Robert Frazier testified that the *absolute* minimum firing time of the Mannlicher-Carcano (alleged assassination weapon) is 2.3 seconds.<sup>10</sup> This figure, in itself, is an erroneous appraisal of the time needed between shots. The 2.3 seconds represents the *fastest* at which the bolt can be operated. It does not include aiming, firing, or re-aiming the weapon, and Oswald would have had to fire at a moving target.<sup>11</sup> The commission, however, was satisfied that 2.3 seconds was adequate time for complete operation of the weapon.

Using this figure (2.3 seconds), *absolute minimum* frame passage can be determined by multiplying  $18.3 \times 2.3$  which yields 42.09. This means that the minimum number of Zapruder frames that could run between any two shots from one assassin is forty-two frames. This is a very conservative estimate, using the commission's own slanted statistics. The actual number necessary is probably twice that number, or roughly eighty-four frames. However, even using the commission's forty-two frame estimate, the commission's report fails to convince.

If the president was shot at frame Z210, as the commission concludes,<sup>12</sup> then the next time that Oswald could fire would be at frame Z252 (210+42). But the Zapruder film clearly shows the governor is wounded somewhere between frames Z234 and Z236.<sup>13</sup> At the latest we could say Z240, which is anywhere from twelve to eighteen frames too early to have come from the same rifle that shot President Kennedy at Z210. In short, Governor Connally sustained his wounds anywhere from  $\frac{1}{2}$  second to  $1\frac{1}{2}$  seconds after President Kennedy.<sup>14</sup>

Since Oswald needed 2.3 seconds to operate his bolt, this clearly was an impossible feat. (We can assume that Oswald would operate that bolt somewhat slower than FBI firearms expert Frazier.)

Needless to say, this presented the commission with a very perplexing problem. They only had one accused assassin. How could he be proven guilty? If the commission subtracted forty-two frames from the time Connally was hit, they arrived at frame Z184. It is clear in the Zapruder film that at Z184 President Kennedy had not yet been wounded nor is he clearly wounded

before frame Z207 when he passes behind the Stemmons Freeway sign.<sup>15</sup> There is no way that the commission could say that the president was wounded any time before frame Z210 for a second simple reason: THE PRESIDENTIAL LIMOUSINE WAS BLOCKED FROM THE LINE OF SIGHT OF THE SIXTH-FLOOR WINDOW FROM FRAMES Z186 THROUGH Z209 INCLUSIVE.<sup>16</sup> The only exception being a single frame Z186 when the president was visible for a flash between the oak tree's leaves.<sup>17</sup> That single frame represents  $1/18$  of a second and is clearly too quick for even the quickest reaction.<sup>18</sup> Even the commission agrees that a shot during that single frame was highly unlikely. In fact, it was impossible unless the commission was willing to make Oswald more of a superman than they already had done!

There was only one way the commission could handle the problem without conceding to a second assassin. This was the birth of Arlen Specter's single-bullet theory.

Instead of conceding that the president and the governor were wounded by separate bullets, they attempted to merge the two by saying that both the president and the governor were struck by the same one.<sup>19</sup> It must have been difficult for the commission during that hour. For every lie they made up, there had to be another to cover for the previous one. Now they had to find a way to make it possible. The medical evidence proved that no bullet passed through the president and into the governor.<sup>20</sup>

The fact that Governor Connally is not wounded at Z210, but suddenly is hit 24 to 30 frames later is totally inconsistent with the medical evidence and testimony which is discussed in chapter 6.<sup>21</sup> The commission calls it a "delayed reaction."<sup>22</sup>

Thus, the commission had to rule out any hit before frame Z210, and since Z210 is one of the "spoiled" frames, it was not included in the copy shown to the commission.<sup>23</sup> Instead, the commission presents the Willis Exhibit No. 5, taken from behind the president and Commission Exhibit No. 900 which appears in the Warren Report.<sup>24</sup> Neither of these pictures represents frame Z210 though they have been widely claimed to do so.

As far as Willis Exhibit No. 5 is concerned, the commission

claims that this was taken at the moment the shot rang out. This can be corroborated by the testimony of the photographer who stated that the shot caused him to involuntarily snap the picture.<sup>25</sup> At a quick glance one would assume that this was indeed a picture corresponding to Zapruder's frame 210. The president appears to be moving behind the sign which is between GG300 and Abraham Zapruder on the opposite side of the street. Zapruder can be seen standing on his perch in Willis Exhibit No. 5. If Willis Exhibit No. 5 caught Zapruder, then Zapruder must have also caught the photographer (Phillip L. Willis) on his film. Unfortunately, those Zapruder frames are missing, and the PRECISE frame at which the president was struck cannot be determined. If the president was actually shot PRIOR to frame Z210 then it could not have come from the sixth-floor window, since the oak tree was in the line of fire at the time. Since the missing frames begin at Z207, Willis's position, then, cannot be measured accurately enough to determine if the president was hit when an assassin in the sixth-floor window could not have seen the target. This does not PROVE that the president was shot prior to frame Z210, it simply adds to the significance of those missing Zapruder frames.

The report shows CE 900 which was a still photograph taken by AP photographer James W. Altgens<sup>26</sup> (see Appendix IV). The commission claims that this also represents a frame between Z210 and Z225 when the president was hidden from Zapruder's film.<sup>27</sup> In the memorial album, *The Torch Is Passed*, the Altgens photo is said to be of the instant the president was hit (i.e., Z210).<sup>28</sup> Both contentions are clearly false. The photograph was actually taken later than the commission contends. Altgens's own testimony and photo prove that the picture was closer to frame Z255<sup>29</sup> when the president and governor were well beyond the Stemmons Freeway sign.<sup>30</sup> But this will be discussed fully later in this chapter.

So according to the report BOTH the president and the governor were wounded by the same bullet that struck the president at about Z210. Unbelievable? Certainly.

Governor Connally did not believe that one shot caused both

his and the president's seven nonfatal wounds. He testified that he was wounded between frames Z231 and Z234.<sup>31</sup> Also concurring in that opinion were the physicians who attended to the governor at Parkland Hospital. Dr. Robert R. Shaw believed that Connally received his wounds at frame Z236, give or take one.<sup>32</sup> Dr. Charles F. Gregory thought it was either Z234, Z235, or Z236.<sup>33</sup> Not one was of the opinion that the governor was hit by the same bullet that struck President Kennedy at frame Z210.

The fact that Connally *never heard* the shot that hit him attests to the accuracy of the Zapruder film. Connally said that when he turned to look at the president, he was not able to see him, so he began to turn in the opposite direction, when about halfway in his turn he felt a shot hit him, but he "did not" hear it.<sup>34</sup> Since bullets travel faster than sound, the impact of the shot precluded the governor's ability to hear the sound which came *after* the governor was wounded. All evidence proves that this is indeed what happened. The governor was in a state of hysteria immediately following his wound before falling unconscious. As eyewitness Lee Bowers and others have testified, the shots came "on top of one another."<sup>35</sup>

Thus, even with the commission's inventive single-bullet theory, the report fails to make a viable case for a lone assassin. Since the president, according to the report, was wounded between frames Z210 and Z225, the governor's wounds were created too late to have been from the same bullet, and too early to have come from the same assassin. There is *no* doubt in my mind or in the minds of those who have put their efforts into studying this case, that two assassins fired between frames Z210 and Z234. Dr. Cyril Wecht who is probably the foremost authority on the subject and who has himself participated in over 17,000 autopsies stated that fact in a special television broadcast on March 28, 1975.<sup>36</sup> Dr. Wecht is one of the few people ever to see the autopsy photographs of John F. Kennedy.<sup>37</sup>

The final shot occurs at Zapruder frame Z313; at this point the president's head explodes sending bone and brain matter in every direction. A large portion of the president's skull was later retrieved from Elm Street. Its location was well *behind* GG300

at frame Z313.<sup>38</sup> Mrs. Kennedy told the commission that she "saw the president's skull torn open."<sup>39</sup>

This wound, the fatal one, is handled very deceptively by the Warren Commission. In the printed version of the Zapruder film, which appears in volume 18, the president's head appears to be moving forward at this point.<sup>40</sup> This motion is consistent with Newton's laws of motion, and with a shot fired from behind. However, in truth the president's body was slammed violently backward.<sup>41</sup> The reason that it appears the president is pushed forward in the commission's evidence is that Zapruder frames 314 and 315 are printed in reverse of their actual sequence<sup>42</sup> (see Appendix V). J. Edgar Hoover himself stated this in a letter addressed to the commission.<sup>43</sup> Mr. Hoover's observations, however, are not even necessary. Simply by tracking the progression of spectators across the film proves beyond doubt that Z314 and Z315 are reversed. Note, if you will, the woman standing on the grass near the center of frame Z313; the next frame is printed as Z314, but is actually Z315. The woman has jumped out of the frame to the left but reappears in frame marked Z316. Again at frame Z315 she disappears. This is not simply another convenient mistake. The printing of the Zapruder film in such a manner was an attempt to deliberately deceive the casual reader into believing that the shot that killed the president was fired from behind.

If the frames are reproduced in their actual sequence (see Appendix V), the president can be seen being slammed *backward* and to the *left*.<sup>44</sup> In one-eighteenth of a second, the president's entire body reverses direction from a forward motion to a velocity in excess of 104 feet per second toward the rear.<sup>45</sup> The occipital (rear) region of the president's head was blasted *outward*,<sup>46</sup> five and one-half inches in diameter.<sup>47</sup> All this happens in the time it takes the human eyelid to blink once.<sup>48</sup> In the case of the president, however, it is not the mass of an eyelid, it is the mass of his head and entire body that undergo this violent change. To see the actual film in motion tells the story as no written account can. If there is one single piece of evidence that destroys the Warren Report, it must be the Zapruder film.

How do the commission lawyers handle this crucial point? Wesley Liebler calls the backward motion a "muscle reaction."<sup>49</sup> Most responsible physicians have already been taken aback by the thought of this cockeyed explanation, and while most physicians refuse to call *anything* an absolute impossibility, they call this reaction a very highly improbable response to a shot from the rear. As Dr. Wecht said in his television appearance, it was *much* more likely to have been the result of a shot fired from the president's right.<sup>50</sup> As far as explaining the switching of frames Z314 and Z315—of course, just another mistake!

It is a strange phenomenon that all these simple mistakes occur at the most vital moments in the film. I have no choice but to conclude that these so-called mistakes were deliberate. In all 450 frames of the Zapruder film it is indeed bothersome to know that only important frames were spoiled during processing and that only the important frames were reversed in printing the commission's evidence. In a letter to Dr. John K. Lattimer of Columbia University, I stated that this shot couldn't have come from behind.<sup>51</sup> Dr. Lattimer has put many years of study into the assassination and is among the most articulate of the pro single-bullet theorists, of which there are few. He could not explain the motion which opposed his theory nor did he even hazard a guess.<sup>52</sup>

Eyewitnesses closest to the president at that fatal moment stated that they saw the bullet impact on the president's temple. This statement agrees with medical evidence of protruding bone substance in the president's occipital region and the absolute evidence of the Zapruder film. That the most important evidence was treated with such repugnance is a disgrace to American justice.

Another important photograph taken in Dallas that day was the Altgens photo (see Appendix IV). It is important for a number of reasons. We will discuss the latter photo first.

CE203 and CE900 are the same photograph. Although the commission claims this to be the picture taken by AP photographer James W. Altgens at the time the president was first

struck by a bullet, it is not the picture Altgens submitted on November 22, 1963. At least not the entire picture. The original Altgens photo contained substantially more than the commission chose to tell. Somewhere along the process, Altgens's important photograph was butchered.<sup>53</sup> The original disproves the commission's claim regarding the president's location at the time the photograph was taken.<sup>54</sup> The version printed by the commission as evidence precludes the possibility of analyzing the photograph completely.

The original photograph, which appears in Appendix IV of this book, pinpoints the exact location of GG300 as being at the fourth road stripe on Elm Street.<sup>55</sup> This position corresponds with frame 255 of the Zapruder film. Further evidence of this frame-correspondence is that Mrs. Kennedy has already begun to move toward the president, and Governor Connally has already been wounded.<sup>56</sup> But FBI Agent Lyndal Shaneyfelt places this photograph at frame Z210, forty-five frames prior to the limousine's known position. Thus, the FBI was attempting to replace the missing Zapruder frame 210 with a stand-in, cropped version of the Altgens original by cutting the last two automobiles out.

This means that while Johnson's men had time to hear the shots and react by popping open the doors, the Secret Service people behind the president made no such effort yet. They, unlike Johnson's people, were riding on the sideboards of the follow-up car and thus had a better chance at reacting quickly to the emergency. This is not in any way meant to imply that Mr. Johnson was part of a conspiracy nor that the Secret Service people let the president get killed before moving to help him, but the fact is, the presidential limousine was nearly to the triple underpass before Secret Service Agent Clint Hill made it to help him. While it may not have been deliberate inaction it is a matter that should have been examined by the commission.

Also cropped out of CE900 are two floors of the Dal-Tex Building which is just at the top of Elm and Houston streets. In the original Altgens picture a number of people that may have seen or heard something of value to the commission can be

seen hanging out windows. Also visible is a man in a light shirt running down the fire escape.<sup>57</sup> Just below him through a half open window an "armlike" or rodlike figure can be seen.<sup>58</sup> Again I do not accuse any of these people as being part of the assassination, but in my opinion this was evidence that should have been looked into. It is particularly important since Officer Marion Baker, who searched the TSBD, felt that the shots he heard may also have come from the Dal-Tex Building.<sup>59</sup> The president's back wound also suggests this possibility. Unfortunately this was all cropped out of Shaneyfelt's exhibit of the Altgens photograph. Whether the commission members ever saw the original or not I have no knowledge, but this is the evidence that CE203 and CE900 did NOT show.

What the original Altgens picture does show in addition to the details mentioned above is a man standing in the doorway of the Texas School Book Depository that bears a striking resemblance to the alleged assassin, Lee Harvey Oswald (see Appendix VI).<sup>60</sup> Obviously, if Oswald was standing in the doorway, he couldn't have been firing at the president from the sixth-floor window or vice versa. It was of paramount importance to the commission's entire report that this dilemma be cleared up lest its case against Oswald fall completely apart.

Unfortunately, the commission's totally inadequate explanation of the curious figure was swallowed by the press—hook, line, and sinker. And until this day most people familiar with the photo remain under the false impression that the mystery has been solved. The fact is, based on all available evidence, the commission had no choice but to concede that the figure in the doorway bore a "startling" resemblance to Lee Harvey Oswald. This is probably why much of the evidence on the identification was buried in the commission files and never printed in the commission's report or in twenty-six volumes of evidence. As you will see, the Altgens photo was actually an impregnable fortress in defense of the accused, had he lived to go to trial.

The commission's vain attempt at explaining the man in the doorway centered around the testimony of one man, Billy Nolan Lovelady. Lovelady, another TSBD employee, said that he was

"in the doorway" at the time of the assassination.<sup>61</sup> How convenient for the FBI to uncover this coworker of Oswald's that erased the shadow of doubt cast upon the report. His claim may well be true, even though others have claimed that Lovelady was actually *sitting* down at the foot of the steps and not *standing* as the commission says.<sup>62</sup>

While the commission claims that two workers, Buell Wesley Frazier and William Shelly, stood beside Lovelady, it is obvious in the Altgens photo that only one man stands beside the figure in question, and the commission makes no attempt to identify the man. Both men, according to the report, identified Lovelady.<sup>63</sup> But the report makes no mention of their positioning of the man. In fact, the report treats this entire question as though it were not even important.

The commission's entire explanation of the mystery figure is contained on a single page (137) of its report, and on that page it occupies *one* paragraph, consisting of *four short* unfootnoted sentences and constitutes about one-fifth of the page.<sup>64</sup> And based on this, the report concludes, "The Commission is satisfied that Oswald does not appear in this photograph."<sup>65</sup>

I could not believe that something as revealing as this evidence received such a miniscule undocumented review. Later, however, I learned that the commission's shallow explanation reflected the depth of their case.

Notice in the blowup of CE900 in Appendix VI of this book, the man purported by the commission to be Lovelady is wearing a long-sleeved plaid shirt with missing buttons and some small tears. The shirt is open to the figure's midsection.<sup>66</sup> This is an identical shirt to the one Oswald was arrested and photographed in (see Appendix VII) on November 22, 1963. The long sleeves, tears, and missing buttons conform to those of the shirt worn by the figure in Altgens photograph. The shirt is also open to the midsection in Oswald's arrest photograph.

Billy Nolan Lovelady told the FBI on February 29, 1964, that he wore a *red and white vertical-striped shirt* and blue jeans on the day of the assassination.<sup>67</sup> The statement is confirmed in a letter from then FBI director, J. Edgar Hoover. Lovelady further stated that his collar was buttoned to the neck.<sup>68</sup>

If we compare Oswald's arrest photo or CE900 with the Lovelady photo taken by the FBI, there is a marked difference in the collar and pattern of shirts in the two photos. Lovelady's vertical-striped shirt in no way resembles the shirt worn by the man in the Altgens photo. Also note that Lovelady's striped shirt is *short-sleeved*. There is no question that the man in the doorway is wearing a long-sleeved shirt; this can be seen clearly since the figure's left arm is in full view. The Lovelady photo taken by the FBI was made as much as possible to resemble the man in the Altgens photo by opening three buttons in Lovelady's shirt, when Lovelady himself stated that his shirt was closed to the neck.<sup>69</sup> The FBI had Lovelady pose with his hands behind his back in order to deemphasize the short sleeves which would have been extremely obvious had Lovelady placed his hands by his sides. When the photographer took Lovelady's picture, the lighting mechanism was placed to Lovelady's left in order to create a shadow on the right side of his face as is apparent in the Altgens photograph. This is proven by the angle of the shadow on the wall behind Billy Lovelady (see Appendix VII).

Other evidence which points to the man in the doorway as being Oswald, although the man is partially hidden, is that his facial features conform to those of Oswald and not Lovelady. Notice the distinctive flat chin of Oswald in his arrest photograph. The man in the Altgens picture also appears to have a flat chin. Lovelady, however, has a very obvious, rounded chin. Also, the shadow on the man's face in the doorway of the Altgens picture indicates that the man did not shave. Oswald did not shave on the day of the assassination,<sup>70</sup> but Billy Lovelady stated that he did.<sup>71</sup>

All this information was available to the Warren Commission for inspection. According to all evidence, members of the commission saw it and somehow still concluded that Lovelady was the man in the Altgens photo. I cannot understand how any honest group of people, dedicated to knowing the truth, can compare and weigh the evidence presented here and still come to the conclusion that the Warren Commission came to. Not only did the FBI KNOW that Lovelady was not the man in

the picture, the commission KNEW this obvious fact. In view of Oswald's point-by-point conformity to the man in the Altgens photo, only one conclusion is possible: Lee Oswald was probably the man standing in the doorway of the TSBD and could not have been firing at the president from the sixth-floor window. Other evidence presented later in this book will add to the doubts of Oswald's guilt.

If Oswald was seen on the first floor at 12:25, as Mrs. Carolyn Arnold stated<sup>12</sup> (the scheduled time for the presidential limousine to pass), then it is likely that Oswald was in the doorway at 12:30. It would not be difficult for Oswald to climb one flight of stairs in time for the encounter with Marion Baker. But to do what the commission concludes he did enroute from the sixth floor was clearly impossible.

Is there any question now why the report is so inane on the "Lovely diversion," as Weisberg calls it? So far, all credible evidence absolves rather than convicts Oswald of his charge of murder—the eyewitness testimony, the Zapruder film, Altgens's photograph, and the Baker-Truly-Oswald encounter. At this point, the case of the Warren Commission against Oswald has already crumbled, and under the commission's own evidence.

It is no wonder, in view of other efforts by the FBI and the Warren Commission to conceal the facts, why someone as important as Abraham Zapruder was only brought before the commission for fifteen minutes, which comprised all of his testimony. The commission was not interested in finding out where Oswald was during the assassination. With the accused assassin dead, the commission apparently was willing to have him take the rap so they could close their books on a terrible chapter in American history. One can only conclude that the Warren Commission wrote the biggest fairy tale ever published by the U.S. Government Printing Office!

## CHAPTER 5

***The Magic Bullet***

Commission Exhibit 399, shown in Appendix VIII of this book, is probably the greatest mystery bullet known to the world. It is the bullet that the Warren Commission imagined to have caused both the president's posterior and anterior neck wounds (although medical evidence shows that no bullet struck the president in the back of the neck),<sup>1</sup> continuing on to strike Governor Connally, first in the right side of his back, smashing his rib before blasting out just below his right nipple, then his wrist, again smashing one of the hardest bones in the body, the wrist bone. Finally this same bullet is supposed to have driven into Governor Connally's leg, leaving a small fragment imbedded in his thigh.<sup>2</sup> It is the single missile recovered that was traceable to the Mannlicher-Carcano (alleged assassin's weapon),<sup>3</sup> which was allegedly found on the sixth floor of the Texas School Book Depository by Dallas police on November 22.<sup>4</sup>

Even under the most cursory examination of CE399, one can but marvel at the amazing lack of deformation and remarkably pristine condition of the missile that is supposed to have been responsible for all seven nonfatal wounds sustained by the president and the governor. There exists only the slightest inclination of a longitudinal twist on CE399, features that are unknown to any other similar bullet which caused similar wounds.<sup>5</sup> The small fragment missing from the nose was removed by the FBI for laboratory analysis and should not be confused with fragmentation caused by perforation of bone tissue.<sup>6</sup>

This bullet is so important to the commission's findings that its mysterious condition and the way it was recovered deserve particular attention in this account. The bullet's features and retrieval have never been satisfactorily explained by the Warren

Commission nor its proponents. The bullet's own mystique is surpassed only by the commission lawyers' fabricated account of its location and the commissioners' willingness to accept the tale. If the facts are true, which we can assume they are, then not only for the fifth time in this book does the Warren Report fall apart, but for the first time we have indications of a conspiracy to frame Oswald, before he was even captured.

Upon arrival of the presidential limousine at Parkland Hospital, Governor Connally, who had just regained consciousness, was placed on a stretcher and taken to Trauma Room 2. The president, with the remains of his head wrapped in Secret Service Agent Hill's jacket, was placed on another stretcher and moved into Trauma Room 1 just across the hall.<sup>7</sup> While Connally was being prepared for transfer to the second-floor operating room, doctors were working against all hope to save the president on the spot. The president remained on his stretcher throughout the entire ordeal. He was pronounced dead on it and was later removed from it when placed into a casket ordered by the Secret Service. His stretcher linen was removed and placed in a hamper, at which time his stretcher was moved to Trauma Room 2 and in no way had any intercourse with the area in which the bullet was found.<sup>8</sup> This, according to the report, is the account of the president's stretcher.

Governor Connally also remained on his stretcher while on the first floor, but was brought into the elevator and up to the second floor for surgery. When the governor reached the operating room he was transferred from the stretcher to the table, at which time his stretcher was wheeled back into the elevator and down again to the first floor. His stretcher was placed beside another stretcher not concerned with Connally, and moments later the hospital senior engineer Darrell C. Tomlinson found a bullet on one of the stretchers.<sup>9</sup>

While the commission gives a fair description of logistics with respect to stretcher location, it generally plays down the important information. The report concludes that the bullet was found on Connally's stretcher and says that "the conclusion is buttressed by evidence which eliminated the President's as the

source of recovery."<sup>10</sup> On this very important point the report prints but two paragraphs and gives no supportive evidence for its conclusion. Obviously, the president's stretcher was eliminated as the recovery source. It was imperative that this condition be met; otherwise, no single-bullet theory could be suggested. But even by eliminating the president's stretcher, the source of CE399 is not solved. How could the commission determine which of the other two stretchers the bullet was found on by eliminating a third that had nothing to do with the other two? The wording of the report is such to lead the reader into believing it was through an obvious process of elimination. It wasn't.

The fact is, the bullet was not found on Governor Connally's stretcher at all.<sup>11</sup> It was found on the stretcher unrelated to either the president or the governor.<sup>12</sup> Dr. Josiah Thompson gives an excellent account of the location of CE399 in his book *Six Seconds to Dallas*. Thompson points out that when Darrell Tomlinson returned to the hallway where the two stretchers were, he bumped the stretcher and the bullet rolled out from under the mattress.<sup>13</sup> The report says, "The bullet rolled out."<sup>14</sup> By not telling that the bullet was under the mattress, the report leaves the reader with the obvious impression that it either rolled out from under the blanket or sheet, or simply rolled off the top.

The location of CE399, then, was actually concealed under the mattress, a situation for which there is no explanation. The problem is not only in that it was a concealed bullet, but that it came off a stretcher not related to the assassination victims. The so-called unrelated stretcher is not explained in the report, but Thompson went to Dallas and interviewed the people concerned.

Thompson learned that the orderly knew which stretcher belonged to the governor and which did not for the very simple reason that he placed both stretchers in the hall. In addition, the linen coverings were different. One had the sheets pulled halfway down while the other was made up. One was fairly bloody and the other was not nearly so badly stained.

Seconds before the presidential party arrived, a young child (girl) was admitted to the hospital for a minor injury to her leg. Her stretcher was rolled out into the vestibule and placed

against the wall.<sup>15</sup> After the presidential limousine arrived and Governor Connally had been moved up to the second floor operating room, his stretcher was returned to the vestibule and placed next to the child's stretcher which was against the wall. When the bullet was discovered, it was found under the mattress of the stretcher against the wall. Even the report states the bullet rolled out when the stretcher was "bumped against the wall."<sup>16</sup> It just doesn't tell you that the stretcher belonged to a child and not the governor.

Clearly, then, the commission had to try and prove that the bullet was not found on the child's stretcher lest it be forced to investigate planted evidence. Again, as so many times before, the commission lawyer that questioned Mr. Tomlinson used the tricks that he had by now become a master at. Because Tomlinson had left the vestibule to go up in the elevator and, shortly after, returned to discover the bullet, the commission and the counsel concluded that when Tomlinson was gone someone could have reversed the position of the two stretchers, thereby placing Connally's against the wall. To this no one can attest for sure, particularly Darrell Tomlinson, because he was in the elevator and would not have seen a switch had it been made. This is the basis from which the commission draws its conclusion. The probability is so remote that it insults the intelligence of anyone who knows the facts surrounding the incident. That is the reason the facts were not printed in the report. To further add to the already extreme improbability, the orderly who placed the stretchers in the vestibule knew that the stretchers were not reversed because of the linen makeup of the two. The bullet was found on the child's stretcher. Only through the above tactic was the commission able to jump from probability to extreme improbability. How could any commissioner despite his imperfect knowledge of the facts have ever concurred with such an obvious manipulation of the truth? Apparently it did not matter what the truth was if it could be bent; someone along the line was willing to bend it. It is also interesting to note that no one ever stepped forward to admit to reversing the stretchers, if anyone did. There was surely no

reason for such a maneuver. Also, this fabulous piece of evidence, CE399, was wiped clean before it reached the hands of authorities and therefore no blood analysis could be performed which would indicate who, if anyone, that missile had gone through.<sup>17</sup> The explanation given in the report is wrong or so incomplete that the reader has no choice but to infer an incorrect impression. The commission's reasoning regarding the reversal of the stretchers was purely hypothetical. Not one grain of evidence supported their theory that, again, is of such importance to the entire Warren Report.

Had the commission concluded that CE399 was found on the wrong stretcher, then the only possible explanation, since the bullet had already been linked to the accused assassination weapon, was that the missile had been deliberately planted sometime after the presidential party arrived at the hospital. This is not so farfetched as I myself would wish. It is entirely possible that someone walked into the vestibule area, noted the two stretchers, and pushed the missile that would frame Oswald under one of the mattresses. Of course, whoever it was believed that one stretcher belonged to Connally and the other to Kennedy when actually the president was still on his stretcher in Trauma Room 1. This is the only logical explanation for the mislocation of CE399. If someone had reversed the stretchers in those few moments or taken CE399 from Connally's stretcher and tossed it under the mattress of the other stretcher they have never admitted it, nor was it likely that this happened. After all, the hospital corridors were full of unauthorized people at the time. And as we have seen once during the episode, false Secret Service documents provided a more than adequate cover.<sup>18</sup> The planted-bullet theory is not without supportive evidence either. The fact that one of the three shells found in the sixth-floor window of the TSBD was unlikely to have been fired that day<sup>19</sup> would seem to corroborate the fact that no more than two shots were possible from that perch. The third shell also could have been planted in order to correspond with the mystery bullet found in the stretcher. While this theory is a very real possibility, it is still a theory. It is not supported by absolute proof, but the



implications are surely leading. In any event the commission should never have come to the conclusion they did regarding the location of CE399.

The second amazing aspect of the mystery bullet is related to the medical evidence. According to the report, CE399, passed through the president's neck and then drove into Governor Connally's back. The bullet actually tore out the governor's rib and then shattered his wrist bone before entering the governor's thigh. But CE399 is in nearly perfect condition. How could this be? The commission was unable to explain it nor could any of the medical experts, ballistics experts, or any proponent of the report since. Lt. Col. Pierre A. Finck, Chief of the Wound Ballistics Pathology Branch of the Armed Forces, assisted in the president's flimsy autopsy. It was his conviction that CE399 could not have created the wounds received by Governor Connally.<sup>20</sup> Many other experts have registered their disbelief, including Dr. Ceryl Wicht.<sup>21</sup> All tests taken with the reported murder weapon and others like it have failed to corroborate the commission's conclusion regarding the flight of CE399. In fact, all the evidence ever collected completely disproves the report's claim.

Bullets fired through the wrist of a cadaver produced terribly mutilated missiles<sup>22</sup> similar to those recovered from the presidential automobile.<sup>23</sup> The commission's test bullets were fired through one bone of one body, not two bones or two bodies as in the case of its single-bullet theory. Not once did test conditions match those under which CE399 was reported to have gone. The firing distance was not accurately duplicated nor were the substances through which the test bullets passed.<sup>24</sup> And still, even after all the help given to the tests in order to obtain favorable results, not one single bullet emerged in the pristine condition of CE-399. One test included the firing of a 6.5 caliber copper-jacketed bullet through a tube of cotton.<sup>25</sup> Even that round emerged with a greater longitudinal twist than that of CE399.<sup>26</sup>

From the wounds received by the governor, more grains of metal were removed from the chest wound alone than were necessary to make up the difference between CE399 and the

grain count of the normal bullet of similar caliber.<sup>27</sup> This does not take into account the wrist wound nor the thigh penetration which left a very obvious fragment in Connally's thigh which is evident in his X rays.<sup>28</sup> There has never been an acceptable explanation for these difficulties. Only one person has ever approached the question in a scholarly manner and come up with a half-plausible answer. Dr. John K. Lattimer of Columbia University published his theory in the December, 1974, issue of *Resident and Staff Physician* magazine.<sup>29</sup> His theory, while better than all others, still falls far short of explaining the single-bullet theory. It rests on a supposition that the bullet struck Kennedy's seventh vertebra, a theory which has already been discounted by all medical evidence.<sup>30</sup> His report relies on a faulty autopsy report,<sup>31</sup> and a misrepresentation of Oswald's rapid-fire capability with a manuel bolt-action rifle.<sup>32</sup>

I sent a letter of refutation to both Lattimer and *Resident and Staff Physician* magazine in December of 1974 with the rights and request for the magazine to print my argument, which pointed out Dr. Lattimer's errors.<sup>33</sup> My refutation was refused after discussion by the board of editors, because they felt that enough had been printed on the John Kennedy assassination.<sup>34</sup> Later I learned that the editor in chief of the magazine was also Dr. Lattimer's superior at Columbia University.<sup>35</sup> This article is more fully discussed later in this book.

The point, however, is clear: CE399 simply could not have done the damage that the Warren Commission said it did and still emerge virtually un mutilated and intact. Governor Connally's wounds were probably all created by one bullet, but not CE399; and no single bullet penetrated both men.<sup>36</sup>

## ***The Medical Evidence***

Of the entire Warren investigation, probably no single aspect possesses more staggering misgivings about the assassination, the investigation, and the possibility of cover-up than the weight of the medical evidence—not only for the great many contradictions and curious handling of the evidence by government and medical personnel, but also because of the obvious lack of inquisition on the part of commissioners to probe into the important material and challenge the questionable actions of certain individuals. The medical evidence above all else should have been given the greatest priority and attention during the investigation. Unfortunately, the commission acted so irresponsibly here that their integrity as a fact-finding, truth-seeking body is in serious question. Perhaps this is a harsh statement about those who accepted appointments to a commission that was destined to be criticized. However, I feel that the commission members were, in this case, masters of their own destiny. Their evaluations and conclusions based on the medical evidence is inexcusable. This in and of itself requires a new investigation.

Perhaps it would serve a worthwhile purpose to reestablish the facts of the immediate medical attention given the president upon his arrival at Parkland Hospital. Until arrival at the emergency entrance, no one in the limousine with the exception of Mrs. Kennedy was yet aware of the massive head wounds suffered by the president. Agent Clint Hill realized this as the president was lifted over the jump seat and he took off his jacket to wrap the president's head in an effort to prevent photographs.<sup>1</sup>

When the president's stretcher rolled into Trauma Room 1, doctors on the scene had the immediate impression that he was

already dead. Other than a small sound in the president's chest, thought to be a heartbeat, there was no visible sign of life.<sup>2</sup> The president was blue-white, eyes dilated, no voluntary movements. There was a slow, spasmodic, agonal respiration and no palpable pulse.<sup>3</sup>

Dr. Charles J. Carrico noted the extensive head wounds of the president. There were sizable portions of skull missing and protruding brain matter. The bleeding had by now reduced itself to a "slow oozing."<sup>4</sup> The president had approximately one-third of his brain disrupted and dispersed at the moment he was wounded. Dr. Clark noted a large gaping wound in the rear of his head.<sup>5</sup> The autopsy surgeons later noted that the extensive damage and splintering cracks of the cranium were so great that the president's skull readily fell apart in their hands.<sup>6</sup> The remaining two-thirds of the brain was easily removed.<sup>7</sup>

Though only a miracle could save him, if that, the doctors fought desperately to revive even the smallest heartbeat.

Immediately Dr. Malcom Perry noticed a small wound at the anterior of the neck just below the Adam's apple,<sup>8</sup> and he performed a tracheotomy in order to clear an air canal through the president's trachea which had become filled with blood.<sup>9</sup> Drs. Carrico and Jones cut the president's pant leg and arm sleeve in order to administer infuse tubes which were inserted on both the left and right side of the president's chest, in order to clear the "bubbling air" and blood which had gathered in the president's lungs.<sup>10</sup> A manual heart massage had begun and was continued even when other functions had ended. Father Oscar L. Huber administered the last rights and at approximately 1:00 P.M. Dr. Clark pronounced President Kennedy dead.<sup>11</sup>

No effort was made to actually examine the president's back during the operation or after the president expired. The body was left in Trauma Room I at which time Secret Service personnel ordered a large bronze casket. According to Texas law, the body was forbidden to be removed from the state until an autopsy had been performed.<sup>12</sup> Two Dallas officials protested that the body could not be removed until the autopsy had been given.<sup>13</sup> Despite these warnings, Secret Service officials had the

body placed in the casket with additional wrappings around the president's still bleeding head. The body was quickly removed from the hospital and transported to the airport at about 2:00 P.M.<sup>14</sup> This was all done in violation of the law and before Dallas doctors could inspect the president's back. Had the body remained in Dallas and received a proper autopsy, the doctors there would have discovered an additional wound about six inches below the president's collar line.<sup>15</sup>

If any bullet had fallen out of anyone, it is likely to have fallen out of the president's back during heart massage when the president's body was undergoing pressured motion. As the autopsy surgeons indicated, the president's back wound was a very shallow one which could be probed with the finger.<sup>16</sup> This shallow wound is corroborated by eyewitness testimony that described one shot as a weak sounding pop.<sup>17</sup> Since the commission contends CE399 was in no way connected with the president's stretcher, then we can assume that no bullet worked its way out while the medical personnel assisted him. But what happened to the bullet that caused this wound? According to the evidence, no missile was taken from the wound.<sup>18</sup> If there was a bullet found on the president's stretcher, it would disprove the single-bullet theory, according to which the bullet passed through the president and into the governor. If the theory is true, only the governor's stretcher could produce a bullet, which it didn't, and CE399 could not have been the one that caused the governor's wounds.<sup>19</sup>

Much of the confusion relating to the medical evidence could have been avoided had the Secret Service not swiftly removed the president's body against Texas law.<sup>20</sup> For some reason, still unknown, the agents were eager to get the president's body from civilian jurisdiction back into the hands of the government. Within less than one hour after the president's death, his body had been removed from the hospital and was aboard Air Force One heading for Washington, where it was immediately handed over to the military.<sup>21</sup> A United States Navy ambulance carried the president's remains to the Naval Hospital in Bethesda, Maryland, where it received the most notorious autopsy ever performed.

The autopsy was performed by Comdr. James J. Humes and Comdr. J. Thornton Boswell.<sup>22</sup> Lt. Col. Pierre A. Finck from the Armed Forces Institute of Pathology was also on hand.

When the president's body was turned over, another wound, not noted in Dallas, was discovered.<sup>23</sup> This is where the great controversy begins. According to the autopsy's descriptive sheet (see Appendix IX), the wound, discovered by Humes, is marked in the back, below the shoulder, and to the right of the spinal cord,<sup>24</sup> not in the neck as the commission contends in CE385.<sup>25</sup> This is extremely important, because if the bullet hole was in the back, as the autopsy report states, it was impossible for this bullet to have exited through the president's neck and continue on to strike the governor.<sup>26</sup> It would absolutely prove that Oswald could not have done all the shooting, if he did any, and Arlen Specter's single-bullet theory would join the rest of the Warren Report on the fiction counter. Thus, the commission's claimed path of CE399 does not conform to its own evidence, nor to any other reports that came out of the autopsy room.

Besides the presence of the autopsy surgeons were Agents William O'Leary, Roy Kellerman, Clint Hill, and William Greer of the Secret Service. James W. Silbert and Francis X. O'Neil, Jr., of the FBI were also in attendance.<sup>27</sup>

On November 26, 1963, O'Neil and Silbert filed a five-page account of their observations during the autopsy.<sup>28</sup> Although this report is of monumental importance, the report makes absolutely no mention of it. Neither agent, Silbert or O'Neil, was ever called to testify before the commission or even asked to submit an affidavit regarding his observations.<sup>29</sup>

The report exists along with other nonpublished material in the government files in Washington. According to Commission Document No. 7, the report states that a hole was located "below the shoulders and two inches to the right of the middle line of the spinal column."<sup>30</sup> Its angle of trajectory is noted as from 45° to 60° downward. No exit wound was found.<sup>31</sup> No missile was recovered from the hole and the entire depth of the wound could be probed with the fingers.<sup>32</sup>

When Agent Silbert phoned the FBI lab in Washington regarding the discovery he was informed that a bullet had been

found on a stretcher at Parkland Hospital. When Commander Hume heard of the bullet, he assumed that it had worked its way out during external cardiac massage.<sup>33</sup>

If his assumption was correct, then it would have necessitated the discovery of CE399 to be from the president's stretcher in Trauma Room 1<sup>34</sup> and not "on" the governor's stretcher in the vestibule area, which we have already shown to be the wrong stretcher anyway.

It was not until the morning of November 23 that Humes heard of the tracheotomy performed in Dallas. Following a telephone conversation with Dr. Malcom Perry, Humes suddenly changed his impression of the wound's location by moving it up six inches to the rear base of the president's neck.<sup>35</sup> Instead of being only finger deep, the commission contends that the bullet passed through.<sup>36</sup> Previous to Dr. Humes's change of attitude regarding the location of the wound, he conformed to other eyewitness and physical evidence.<sup>37</sup> Afterward, however, his clever recollections of the wound's position no longer fits the evidence. Inspection of the president's jacket reveals a small bullet hole four to five inches below the collar to the right of the midline.<sup>38</sup>

In the commission's printed volumes of evidence is a photograph of the back side of the president's jacket, CE393. The hole is not apparent in this photo nor is any arrow or demarkation of any kind present to direct the reader's attention to the hole.<sup>39</sup> It is, therefore, easily overlooked. This photograph is the darker of the prints submitted to the commission. A far better one exists in the commission files which clearly shows the location of the bullet hole as consistent with the Silbert-O'Neil report.<sup>40</sup> The commission lawyers, however, chose to print the obscure revision and to bury the clear one along with the Silbert-O'Neil report in its files.

The commission later defended its position of the back wound by claiming that the president's jacket probably had a hump in it, thereby rolling the jacket up to a position which allowed the president to receive a wound in the neck but to have a hole in the back shoulder portion of his jacket.<sup>41</sup> As proof of this,

proponents of the report have presented a photograph taken somewhere along the motorcade route which shows a small lump in the president's jacket.<sup>42</sup> This photo is questionable for a number of reasons. First, the area surrounding the president is so nebulous that the president's location along the motorcade route cannot be ascertained.<sup>43</sup> Thus, there is no way of telling how long before the president was wounded that the hump existed. The bulge shown in the photo is very slight and does not conform to the commission's claim. Remember also that President Kennedy wore tailored clothing.<sup>44</sup> His jacket, in fact, fit him snugly. Also, in all the photographic material submitted to the commission that was taken at the time of the assassination, no such bulge can be seen.

Further confirmation of the back wound is the bullet hole in the president's pin-striped shirt. An FBI report dated January 13, 1964, submitted to the commission along with a photograph of the president's shirt noted the defect as being 5½ inches below the collar.<sup>45</sup> This is not printed in the Warren Commission Report nor in its twenty-six volumes. It does exist, however, in the National Archives under FBI Supplemental Report Exhibit 60.<sup>46</sup> Unless Soviet Premier Nikita Krushchev loaned Mr. Kennedy his outfit that day, it is extremely unlikely that any sufficient bulge in his clothing was produced. Even if he had, the bulge would not be substantial enough to agree with the contentions of the Warren Commission.

Another piece of evidence seems to be missing from discussion in the report, its twenty-six volumes of evidence, or the government files. Why are there no pictures of the president's undershirt? According to William Manchester, someone in their uncouth unconcern asked Mrs. Kennedy for it as she walked out of Trauma Room 1.<sup>47</sup> It is not produced as evidence or even discussed anywhere in the investigation.

In June of 1967, three years after the assassination Commander Boswell said that he had found fibers of clothing in the president's neck wound.<sup>48</sup> This, of course, was an effort to uphold the bulge story when the report was first being attacked. But if the fibers were noticed, they were not mentioned or

noted at the time of the autopsy, nor for three years after. Boswell excused this as an oversight on his part and said he did not think the evidence was needed to substantiate the findings.<sup>49</sup> This does not make sense. If his observations were made on the evening of November 22, which they had to have been, then how could he decide what was needed to substantiate the findings? The commission was not even formed until four days after the alleged observation.<sup>50</sup> The actual investigation did not even get underway until sometime later in December. How then could Boswell have determined that the fibers were "not necessary" to substantiate the findings—findings which had not yet even been compiled—let alone wait three years to recall his observation? I doubt whether such a late recall and oversight can be credited.

The fact that no path was traced from back to front during the autopsy presents another problem with Specter's theory. Since the commission claimed that the hole was in the neck, it also had to prove that the doctors were able to trace a path through the president's body.

Arlen Specter, who was largely responsible for the chapter on the medical evidence, said that when the two FBI agents left the room to call the FBI lab in Washington, during the interval of their absence a path was traced.<sup>51</sup> This statement is untrue. Agent William Greer testified under oath that at least one FBI agent was present at all times during the autopsy.<sup>52</sup> Two agents were certainly not needed to dial the phone. It was Agent Silbert alone that left the room to place the call. Greer was present during that time and no path was traced in his presence or at any other time during the autopsy. Wherever Specter got his story, it could not have been from Commander Humes, since according to Humes he had left the autopsy room unaware that he had discovered a path.<sup>53</sup> The commission's claim is fashioned to make the president's lower anterior neck wound appear as a point of exit. According to the report, the autopsy surgeons could not tell the nature of this wound because it was "completely eliminated" by the tracheotomy incision performed in Dallas.<sup>54</sup> There is no evidence that this wound was "com-

pletely eliminated." According to the testimony of Dr. Malcom Perry, the tracheotomy was actually an elongation of the neck wound and not an "obliteration."<sup>55</sup> I would assume, though I am no doctor, that the wound was a neat incision and that by simply folding back the cut portions of skin, a fairly accurate description could be achieved, at least accurate enough to tell whether the hole was consistent with a point of entry or exit. There seemed to be little doubt among doctors in Dallas that performed the tracheotomy and saw the president's throat wound; they were quite certain that the wound was a point of entry.<sup>56</sup> At least Dr. Malcom Perry was firmly convinced when he made his statements during the November 22 press conference.

The size of the throat wound also suggests a point of entry. It measured  $7 \times 4$  millimeters or  $\frac{1}{4}$  to  $\frac{1}{2}$  of an inch, with clear edges—no tears or jagged spots consistent with normal exit wounds.<sup>57</sup>

The report claims that the wound resembled an entrance wound because the president's collar band held the skin inward and prevented it from being pulled during exit.<sup>58</sup> This is sheer folly. Any bullet that is as powerful as the commission claims the 6.5 caliber missiles used by the assassin to be is surely powerful enough not to be restrained by a normal collar band. I doubt that President Kennedy was wearing a collar tight enough to restrain a missile traveling at a velocity in excess of 1,900 feet per second.<sup>59</sup> If such were the case, then how did that same bullet go on to do all the damage CE399 allegedly did, including three full penetrations and one partial puncture? There seems to be another inconsistency involved.

Suffice it to say that no path was traced on the evening of November 22. The "final" version was not ready until twenty-four to forty-eight hours later.<sup>60</sup> Humes told the commission this during his testimony. Also it seems strange to note the wide, imprecise time which Humes claimed to have needed to complete the "final" autopsy report. One or two days in his recollection.

The X rays and slide photographs were taken after the

autopsy and released to the government on the same evening.<sup>61</sup> Humes placed at least one call to Perry the following morning, November 23. The president's body was already lying in the East Room of the White House when Perry told Humes of the neck wound.<sup>62</sup>

The military physicians then sat down between November 23 and November 24 and "reconstructed" the wounds. Only then had they arrived at the decision that the wound was a back to front trajectory.<sup>63</sup> It was never "traced" through the president's body as Specter stated. The body was gone when the decision was arrived at. All photographs and X rays were in the hands of the government. None were in the hands of the autopsy surgeons at the time.<sup>64</sup> What the military doctors had decided was not based on evidence but inference, and even that seems terribly sinister.

All this begins to gel in some form of plot when on Sunday, November 24, after he arrives at his decision, which was allegedly based on his observations, Humes burns his original papers relating to the evidence in the "privacy" of his recreation room.<sup>65</sup> He did this two days after he performed the autopsy. (See Appendix X.)

Humes had performed over a thousand autopsies during his career and probably never discarded relative material.<sup>66</sup> Suddenly he not only discards, but "destroys" original notes by "burning" papers relating to the assassination of the president of the United States, probably the most important autopsy he ever performed.

What is even more frightening is that the commission members never even bothered to ask Humes if destruction of evidence was part of his normal practice.<sup>67</sup> It was the most obvious question in the world, yet commission lawyers fancifully steered away from such line of questioning. Original evidence is burned, not immediately but two days after the autopsy was over, and just prior to the issuance of an altogether new autopsy report which actually relocated wounds and depicted paths that were never even observed during the autopsy itself.<sup>68</sup> This did not seem strange to the commission? No one in the entire inquiry

team even bothered to investigate it! This alone is enough to question the motives of members of the Warren Commission. I guess by now we can count out truth and look to the opposite direction.

Specter not only declined to investigate the matter but actually defended Humes's action as concomitant to his inexperience (1,000 autopsies). Of Humes he said, "He had never performed an autopsy on a president."<sup>69</sup> I hasten to say that neither have most physicians of the world. If anything, his so-called inexperience would have caused him to save all the material. The Watergate affair taught us that experienced people are the ones who burn evidence.<sup>70</sup>

The autopsy description sheet, shown in Appendix IX of this book, was drawn by Comdr. J. Thornton Boswell on the evening of November 22. It places the bullet hole not in the neck but in the back, below the shoulders.<sup>71</sup>

I cannot for the life of me understand how an experienced physician, a commander in the United States Navy with both a college and medical school education could have inadvertently miscalculated where he saw the wound and where he placed the dot. I don't think that he did. The simplest-educated person could accurately transfer what he saw and where he saw it onto the simple diagram. Nor do I believe that Boswell missed his target. Secret Service Agent Clint Hill who watched the autopsy testified before the commission, "I saw a hole in the back shoulder six inches below the neck to the right of the spinal column."<sup>72</sup> Are we to assume that the eyewitness testimony of presidential assistant Dave Powers, who saw the bullet impact on the president's back, is a mistake?<sup>73</sup> Or that Commander Boswell "misplaced" his dot on the autopsy description sheet so that just by coincidence it concurred with Agents Hill and Greer's testimony, which in turn corroborated the FBI Silbert-O'Neil report,<sup>74</sup> all of which corresponded perfectly to the holes in the president's clothing?<sup>75</sup> Are we going to dismiss the evidence in favor of a second or perhaps third drafted autopsy from which the original papers were permanently destroyed?<sup>76</sup> This is exactly what the commission did. Even the most trusting investiga-

tor must lay some credence upon the overwhelming evidence responsibly supplied—if for no other reason than that all of the so-called errors coincide precisely with each other.

Any candid review of the president's posterior wound laceration would indeed produce enough evidence to accurately rule that the president was shot in the back. Of course, this would mean that the military autopsy description sheet was correct and that the Warren Commission deliberately tolerated autopsy surgeons who perjured themselves while under oath. But more important, a wound in the back would unconditionally rule out the single-bullet theory and, with it, the commission's conclusion that the assassination was the work of a lone assassin. In short, such a back wound meant a second assassin.

The back wound is not the only "misplaced" marking on the autopsy descriptive sheet. The arrow marked on the rear of the president's head is inconsistent with the commission's contrived path of the missile.<sup>77</sup> Compare if you will, the direction of the arrow on the autopsy diagram (Appendix IX) with the commission's claimed path in CE388 (Appendix XI). If the autopsy sheet is correct, the missile's path went toward the left front of the president's head. But in CE388, the commission's path from entrance to exit is toward the right side.<sup>78</sup> Just another mistake? Who's this time? The commission's or Commander Boswell's?

I would take an educated guess that the blame for this second inconsistency would also fall upon Boswell, mainly because if he is correct, the bullet could not have exited in that region of the head.<sup>79</sup> Again, the commission would have to contend with a second or possibly third assassin.

If we again revert back to the Zapruder film we notice that a shot coming from the TSBD sixth-floor window would not take a path out of the right side of the head as purported in CE388. If it did, the president would have to be looking almost square to his left in Z313, which he is not (see Appendix XII).<sup>80</sup> If it had exited from the right side, then the entrance wound more than likely would be farther to the left of the commission's claimed location. The way the president's head is positioned in Z313, a missile fired from the TSBD would follow a path closer

to that of the marking represented on the autopsy descriptive sheet. I admit that a deflection is possible; however, the deflection would occur at the point of impact, i.e., at the rear of the president's skull. The path would still be inconsistent with the autopsy descriptive sheet.

If we assume that Boswell was again incorrect and that the commission's explanation is valid, then the commission must explain how the missile blowing out the right top of the president's head was recovered in the presidential limousine.

If one thing is clear from the previous discussion of the medical evidence, it is that the whole damn thing is unclear, inconsistent, and very suspicious. Any fact-finding agency or commission would surely exercise all in its power to review all the evidence available to them. Unfortunately, this was not the vigor displayed by the Warren Commission. Just as the acoustic test in Dealey Plaza was regarded as "not important," so did they regard the sixty-five X rays, color slides and black and white negatives as unimportant.<sup>81</sup>

Not one member of the commission saw the photographic material taken during the president's autopsy.<sup>82</sup> There is controversy even on this point. While some commission lawyers claimed that certain members viewed the material, the commissioners flatly deny it.<sup>83</sup> The reason, again, by the commissioners for this neglect is so elementary that it is an insult to our intelligence.

The commission contends that since the evidence was of such an unpleasant nature and not common to the average citizen that it was not in the best interest to have the X rays and photographs presented before the body. This is absolute folly. The autopsy photographs would without doubt settle the controversy surrounding the president's back wound. It would also present evidence relating to the nature of all the other wounds. The medical evidence and testimony was so bungled up that the only viable solution to the question was to review this material. There is no question now, nor was there then, of the extreme importance of that evidence. Yet the commission carefully selected to look the other way.

When Commander Humes appeared before the commission with respect to his own testimony, Humes stated that it would be "virtually impossible" to make an accurate illustration of the wounds without the photographs.<sup>84</sup> Despite this obvious need to examine it, the material was still not produced as evidence. Instead, the commission substitutes an artist's representation which is inaccurate, misleading, and drawn totally out of proportion to the known posture of the president. The wound marked at the back of the president's head is indicated by a small dot when actually this wound may have been quite large—the occipital region was blown away.<sup>85</sup> In addition, the jagged edges were protruding outward,\* consistent with point of exit.<sup>86</sup>

If the photographs were as Manchester contends, too "unsightly,"<sup>87</sup> at least the X rays could have been requested. X rays are not unsightly. The X rays of Governor Connally are printed in volume 17 of the commission's evidence, yet no mention is even made of President Kennedy's X rays. While pictures of the president are not released for print, Judy Bonner, in *Investigation of a Homicide*, presents a full view of Lee Harvey Oswald following his autopsy—bloody, cut, stitched, and scarred.<sup>88</sup> Was this not "unsightly?"

According to commission liaison Howard Willens, it was Earl Warren who suppressed the photographs and not, as the commission contends, Robert Kennedy.<sup>89</sup> There is further evidence which corroborates Willens's statement. Secretary of the Treasury Richard Whalen said that the Secret Service did not even turn over the material to the Kennedy family until April 26, 1965.<sup>90</sup> This means that the photographs were in the government's possession throughout the Warren Commission's investigation. It was available to the commission if they wanted it.

Whalen also stated that Earl Warren vetoed many questions prepared for Mrs. Kennedy.<sup>91</sup> Perhaps Warren was acting graciously in making the questions as painless as possible for Mrs.

\*The nature of this wound is contradictory in most accounts and is not to be considered absolute.

Kennedy. But in so doing, Warren also barred Mr. Specter from the room when Mrs. Kennedy appeared.<sup>92</sup> While doctors from both the Dallas and the Bethesda Naval hospitals gave extensive testimony relating to the president's wounds, Mrs. Kennedy's descriptions have been stricken from the record.<sup>93</sup>

There was no reason for this deletion. Everything Mrs. Kennedy could have possibly stated about the president's wounds was already mentioned during review of the medical evidence—or was it?

Critics of the report cannot help but see this deletion as something deeper than verbal decorum. The immediate suspicion is, of course, that perhaps Mrs. Kennedy's testimony differs from the conclusion of the commission's report. Perhaps her observations concur with the testimony of so many eyewitnesses as well as Commander Boswell's "misplaced" bullet holes and arrows.<sup>94</sup> Or maybe her testimony agrees with Commander Humes's burned autopsy notes.

None of these suspicions can be attested, for until Mrs. Kennedy's testimony is made available to responsible nongovernment investigators, until then, we can only assume that Jacqueline Kennedy saw something that the commission considered damaging to its report.

According to the *New York Times*, Commander Boswell stated that the purpose for taking the pictures in the first place was for evidence to be used against Lee Harvey Oswald on the stand.<sup>95</sup> So why not present the evidence before the commission, since, in essence, the government hearing was the only trial Oswald would receive? A trial, it was not. In fact it amounted to nothing more than a frame-up in order to pin the entire assassination on Oswald. This is the very reason why Oswald had no defense during the hearing. According to the record and all known facts, Marguerite Oswald requested in a letter to President Johnson, that attorney Mark Lane be allowed to represent her son before the commission.<sup>96</sup> She received a letter from the White House recommending that her request be submitted to J. Lee Rankin, head counsel to the Warren Commission.<sup>97</sup> However, her request was denied by Warren.<sup>98</sup> Instead, the commis-



sion appointed its own hand-picked counsel, Walter E. Craig, to act in defense of the accused assassin.<sup>99</sup> Unfortunately for justice, Craig was not present at most of the hearings. At times undisclosed assistants stood in his place.<sup>100</sup> Not once throughout the entire twenty-six volumes of testimony is there evidence that any stand whatsoever was made in defense of Oswald. Nowhere is there evidence of stringent cross-examination by Craig and, as is apparent in the readings, most of the unjust methods, fashioned testimony, and false evidence was not challenged at all. Any cross-examination of the medical people would have torn their testimony apart. But no attempt at defense was made. Mark Lane protested this during his hearing only to draw an angry response and a refusal to discuss the matter from Earl Warren.<sup>101</sup>

This is not a case to relieve Oswald of any possible guilt or complicity in the assassination, rather it is an insight into the totalitarian nature with which the government proceedings were conducted. These are the same points that Mr. Lane and Mr. Weisberg have noted in their heroic examinations of the evidence, as have others. It is only a question of reemphasizing the issue in an effort to reach more and more Americans so that the truth may one day be known. It may be the only reliable record of the assassination of our president by the year 2039, when all top secret documents are scheduled to be declassified.<sup>102</sup> No one knows what material may be reproduced, "improved," or destroyed altogether in an effort to leave the knot in the strings the commission has already tied. Some of the most important evidence once held in the protective custody of the government has mysteriously disappeared from the National Archives.<sup>103</sup>

The remainder of the president's brain was removed at the Naval Hospital in Bethesda, Maryland, and placed in a preservative solution for future dissection and analysis.<sup>104</sup> According to the medical evidence, it, along with some head sheet sketchings, was handed over to the authorities on November 22. The brain was taken to the National Archives where it was to remain until the proper tests could be made. Today it is missing. No tests were ever performed on it and no record of analysis exists. Apparently it just disappeared. The government does not say

they lost it or that it was destroyed, they simply say that they do not know where it is. It is therefore even more difficult to fix the blame.

I do not know who was responsible for the care and security of the evidence. But one thing is clear someone is guilty of willful destruction of evidence. Are we to assume that this destruction was confined only to the brain? What steps have been taken to insure the security of other pieces of evidence yet to be declassified? What guarantee do the American people and private investigators have that the information sealed, known and unknown, will ever see the light of day? If there is such a guarantee it has apparently failed drastically. In addition to the brain's disappearance, the four most important color slides are no longer with the sixty-five X rays and photographs submitted.<sup>105</sup>

Had the president's body remained in Dallas, it is likely that an altogether different autopsy would have been released. It had been the opinion of Dr. Malcom Perry initially that the president's throat wound was a point of entry.<sup>106</sup> Though Perry's statements have subsequently been denied, I personally recall the statement being made during the news conference held at Parkland Hospital following the death of the president.

In a CBS television broadcast, June 26, 1967, CBS confirmed Perry's claim that the throat injury was an entrance wound.<sup>107</sup> Unfortunately, the taped news conference, which should have been preserved as evidence, has also disappeared.<sup>108</sup>

Perry was not the only physician present of that persuasion. Dr. Ronald C. Jones, Dr. Charles R. Baxter, and Dr. Robert N. McClelland all thought that the anterior neck wound resembled an entry wound.<sup>109</sup>

Dr. Kemp Clark, the physician that pronounced President Kennedy dead, filed a homicide report with the Dallas Police Department stating that the president was struck by one bullet at about the necktie knot. Clark also claimed that the wound "ranged downward in his chest and did not exit."<sup>110</sup> This report is corroborated by the medical attention given by Dr. Peters and Dr. Baxter, who inserted a tube into the upper right lung of the president just below the shoulders in an effort to reinflate

the president's lung.<sup>111</sup> Dr. Perry and Dr. Jones followed suit, inserting a second tube in the left side. The "bubbling air" as Mr. Lane testified was an indication that the president's lung had been punctured.<sup>112</sup> A punctured lung precludes the possibility that CE399 caused the throat wound, since it was alleged to have passed through the neck unmolested and undiverted. The only other shot the commission concedes hit the president was the head wound at Z313.<sup>113</sup>

By claiming that the anterior neck wound was mutilated by the tracheotomy, the autopsy surgeons at Bethesda neatly divorced the determination of "in" or "out" from their capability. However, as has already been stated, the incision for the tracheotomy was an "elongation" of the wound and not a mutilation. By folding back the skin and microobservation, the neck wound determination most possibly could have been made, even under partially mutilated conditions.<sup>114</sup> This was not done.

Thus we have a confused assessment of the president's wounds as to number, location, direction, and even whether missiles had traversed the body. Some of the problems would not have existed had the body been left in Dallas where a proper autopsy could have been performed.

The entire autopsy is a disgrace to professional medicine. All the president's wounds were measured from flexible points on the body. Under such conditions precise locations cannot be given. On the other hand, Oswald and Tippit had much better autopsies. Their wounds were measured from inflexible points. In short, the accused assassin was given an autopsy befitting a president, and the president received an autopsy of a bum.

## CHAPTER 7

# **The Weapon**

According to the report and its dwindling number of proponents, by the time Oswald had been charged with the crime, the Dallas police had a mass of material evidence that linked Oswald directly to the assassination of the president and the subsequent murder of Officer J. D. Tippit.<sup>1</sup> In the TSBD building the police found a 6.5 caliber Italian Mannlicher-Carcano, the assassination weapon. Three spent cartridges were lying on the deck in the sixth-floor window along with a pile of chicken bones—pointing to where Oswald had allegedly eaten his lunch—and a stack of boxes which bore the hand and finger prints of the accused, as did the cartridges and the weapon. Also found were the paper bag used by Oswald to transport the weapon into the building and a newspaper with the motorcade route marked off.

From Oswald's person the police found a pistol that was allegedly used to shoot Officer Tippit. The cartridges collected and bullets retrieved from the victim matched Oswald's revolver. The jacket Oswald wore was found discarded enroute from the scene of Tippit's murder to the Texas Theatre, and there was eyewitness identification of Oswald as the patrolman's assailant.

From Oswald's room the police confiscated a number of personal things such as records, a diary, and a photograph taken by Marina Oswald of Lee holding the weapon found in the Texas School Book Depository and the revolver used in the murder of J. D. Tippit.

It all sounds pretty incriminating. Anyone with that kind of evidence against him must be guilty, right? Wrong. Every one of the above pieces of evidence *without exception* are questionable as to their relation to Lee Harvey Oswald. In fact, had any of the above been presented in even the most pointed

court of law, Oswald would have been exonerated. While the commission tries to present a clear picture of Oswald's guilt, the truth is the evidence is very vague. What are the cracks in the report's foundation that have till recently been accepted by so many as absolute?

Let's begin with the Texas School Book Depository. As already noted, only Police Chief Jesse Curry "knew" that shots came from the building.<sup>1</sup> Most everyone else felt that they came from other directions. Curry was in the lead car ahead of the presidential limousine.<sup>2</sup> While most people ran to the knoll, the police were instructed to search the Texas School Book Depository. It was immediately sealed and many employees left.<sup>4</sup>

According to the report, a 6.5 caliber Italian carbine (Mannlicher-Carcano) was discovered behind some boxes on the sixth floor. However, the first police report was not that an Italian carbine was found, but that it was a German Mauser.<sup>5</sup> A German Mauser is a 7.65 caliber weapon while the Carcano is a 6.5.<sup>6</sup> How the two were confused is still a subject of controversy. The men responsible for the report were well accustomed to firearms—Deputy Sheriff Boone and a fourteen-year veteran Dallas FBI agent, Seymour Weitzman.<sup>7</sup> I must admit that at a passing glance the two weapons do bear a resemblance, and the report claims the first report was based only on a "glance."<sup>8</sup> The problem, of course, is that the inscription "Made in Italy," "6.5," and "1940" are clearly printed on the bolt.<sup>9</sup> Nor is it the policy of expert police and FBI to comment on gathered evidence which has not yet been handled or identified.

The "mistaken" Mauser becomes even more significant since the FBI analysis of the bullet that struck the north curb of Main Street proved that the bullet was not fired from the Carcano in the sixth-floor window.<sup>10</sup> Oswald allegedly used copper-jacketed bullets, but the FBI report found *no traces of copper* but they did detect lead.<sup>11</sup> The commission did not put two and two together when handling this question; instead, they blindly accepted the testimony of the Dallas police.

There were other problems with the alleged assassination weapon. While the American people were led to believe that

Oswald's fingerprints were on it, the actual testimony of Sebastian F. Latona, Superintendent of the Latent Fingerprint Section of the FBI, proves otherwise.<sup>12</sup> There were absolutely no fingerprints on the weapon at the time of the FBI analysis nor were any found by the Dallas police.<sup>13</sup> One partial palm print was submitted to the FBI by the Dallas police.<sup>14</sup> The print was said to have been "lifted" by Lieutenant Day of the Dallas police force from the underside of the barrel.<sup>15</sup> Strangely enough, Latona not only found no prints but also he found no evidence that the print had been lifted.<sup>16</sup> This point however is one of shifting considerations. The print claimed to have been lifted by Day was found on a portion of the weapon that could not have been touched while the rifle was assembled. Therefore, at best, the palm print, which has been contested for its identification, could only indicate that Oswald might have handled the weapon when it was disassembled.<sup>17</sup> Even the commission states that this portion of the rifle was covered by the stock when the weapon was in operation. Had Oswald wiped the weapon clean before hiding it, it would have been even more unlikely that he would have encountered Baker and Truly on the second floor. The time allowed for this maneuver in the first place is unrealistic, let alone to add more time for cleaning the rifle of fingerprints. Also this action would be inconsistent with the commission's own evidence. While Oswald is alleged to have cleaned the weapon, the commission states that he left his prints everywhere else in the room.<sup>18</sup> If Oswald was the assassin his actions on the sixth floor were self-defeating.

In fact, the real case for Oswald's presence in the sixth-floor window is the prints found on the boxes. No one questions whether prints were or were not in the room. The evidence clearly shows this to be true.<sup>19</sup> What the report doesn't make clear is that Oswald worked there handling boxes and moving them around. In fact boxes had been moved in that morning. So it would seem natural that his prints should be on the boxes on that floor. Surely if Oswald returned to that room to stack boxes for a gun rest or back shield, he would have taken precautions not to leave his prints, just as the commission contends he did

court of law, Oswald would have been exonerated. While the commission tries to present a clear picture of Oswald's guilt, the truth is the evidence is very vague. What are the cracks in the report's foundation that have till recently been accepted by so many as absolute?

Let's begin with the Texas School Book Depository. As already noted, only Police Chief Jesse Curry "knew" that shots came from the building.<sup>2</sup> Most everyone else felt that they came from other directions. Curry was in the lead car ahead of the presidential limousine.<sup>3</sup> While most people ran to the knoll, the police were instructed to search the Texas School Book Depository. It was immediately sealed and many employees left.<sup>4</sup>

According to the report, a 6.5 caliber Italian carbine (Mannlicher-Carcano) was discovered behind some boxes on the sixth floor. However, the first police report was not that an Italian carbine was found, but that it was a German Mauser.<sup>5</sup> A German Mauser is a 7.65 caliber weapon while the Carcano is a 6.5.<sup>6</sup> How the two were confused is still a subject of controversy. The men responsible for the report were well accustomed to firearms—Deputy Sheriff Boone and a fourteen-year veteran Dallas FBI agent, Seymour Weitzman.<sup>7</sup> I must admit that at a passing glance the two weapons do bear a resemblance, and the report claims the first report was based only on a "glance."<sup>8</sup> The problem, of course, is that the inscription "Made in Italy," "6.5," and "1940" are clearly printed on the bolt.<sup>9</sup> Nor is it the policy of expert police and FBI to comment on gathered evidence which has not yet been handled or identified.

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with the weapon,<sup>20</sup> and what the report implies Oswald did to shield himself from powder traces.<sup>21</sup> The ugly truth is that when the Dallas police performed the paraffin test on Oswald, the only traces of powder were on his hand.<sup>22</sup> In short, the only proof the police could find that Oswald had done any shooting was with respect to a revolver.<sup>23</sup> The tests applied to his cheek proved *negative*.<sup>24</sup> The commission plays this fact down by concluding that Oswald could have shielded his face with a bag or something.<sup>25</sup> In truth, however, no evidence was found indicating Oswald had used anything to shield his cheek. Also, the paraffin tests were considered by the commission itself as unreliable evidence.<sup>26</sup> Therefore, at best, no conclusion is possible regarding the firing of the rifle or the revolver based on the paraffin analysis.

The *left-handed* rifle scope is problematical because Lee was right-handed.<sup>27</sup> Marguerite Oswald testified that Lee was *left-handed*, but since the rifle was *right-handed* it would mean that Lee probably did not own the Mannlicher-Carcano.<sup>28</sup> Robert Oswald stated that his mother confused Lee and himself during her testimony, because he (Robert) is left-handed.<sup>29</sup> This is probably true. Lee was right-handed to the best of my knowledge, but the rifle scope was still left-handed. In addition to this problem the scope was *not accurate*.<sup>30</sup> It was out of line and could not have been aimed properly on November 22.

When the FBI laboratory finally received the three spent cartridges allegedly found in the sixth-floor window, there were no prints on them. The Dallas police lifted all prints from the evidence and relayed it to the FBI.

There is an interesting account of shells obtained by the FBI. Initially only two of the three shells arrived from the Dallas police; when the third was demanded, it arrived separately and contained a suspicious feature. The neck of the cartridge was bent *inward* in the form of a dent.<sup>31</sup> This indentation we can assume was present when the evidence was gathered. While the cartridge could have been chambered, no round could have been fired out if the shell was ejected in this condition. Since it was unlikely for Oswald, or any assassin for that matter, to have chambered an empty cartridge, we face the possibility that

someone else chambered the spent cartridge, dry-fired it in order to produce the rifle identification, and submitted it as evidence that three shots were fired from the Texas School Book Depository window. Realistically speaking, only two shots were possible from that window during the 5.6 seconds allowed.

This all becomes even more suspicious if we consider that some time after the presidential party arrived at Parkland Hospital, a miraculously pristine bullet turned up under the mattress of one of the stretchers (the wrong one). It was the only bullet that could be positively traced to the Mannlicher-Carcano.<sup>32</sup> Without this bullet, only two were recovered from the limousine, both of which were so mutilated that identification was virtually impossible. Only two of the three spent cartridges turned over to the FBI were probably fired from the sixth-floor window. Thus, there exists a possibility that one shell was planted on the sixth floor to compensate for the planted bullet on the stretcher. Without the mystery bullet, CE399, and without the suspicious cartridge there could not even have been a report, at least not one claiming that one assassin did all the shooting. Even with CE399, the report fails. I cannot *prove* that someone in particular planted this evidence nor, probably, can anyone else. The implications and nature of the evidence, however, favor the theory very highly. The facts fit this theory far better than they do the Warren Report.

Next there is the great paper bag controversy. Somehow the commission must explain how Oswald got his rifle into the book depository. There seems to be ample testimony that Oswald did carry into the building that day something wrapped in a brown paper bag.<sup>33</sup> This has become an extremely convincing argument by proponents of the report during the past twelve years. But the way that the people have been convinced is through deceit. For example, in 1967, CBS presented a four-part series on the Warren Report. CBS relied on the testimony of Buell Wesley Frazier and his sister, Mrs. Linnie May Randle to prove that Oswald had carried the bag into the TSBD on November 22, 1963.<sup>34</sup> Frazier noted the package to be about twenty-eight inches in length and that Oswald carried it *under* his shoulder, cupped in his hand.<sup>35</sup> Mrs. Randle thought it was two feet in

length, as seen on the seat of the automobile. The FBI measurement from the said place in the car was twenty-seven inches.<sup>36</sup>

The actual length of the Mannlicher-Carcano is 34.8 inches, nearly *three* feet long, or one foot longer than the witnesses felt the package to be that Oswald carried into the building. This in itself is not a basis for rejecting the possibility that a rifle was in the package. But as Mark Lane points out in *A Citizen's Dissent*, Jack Dougherty also witnessed the incident from in front of Oswald, but saw him carrying nothing in his hand. This is possible since Frazier and Randle testified that the package was carried close to Oswald's side.<sup>37</sup> It is possible that Dougherty did not see it because of the closeness to Oswald and the fact that it was carried *under* his shoulder.

The CBS reenactment of the weapon's transportation into the book depository however does not prove that a weapon was in the bag Oswald carried. If anything it proves, as Oswald claimed, that he had curtain rods in it.

News correspondent Dan Rather performed the reenactment only to prove that the weapon was not in the bag. Everything was fine except for one important thing. The weapon *could not* be carried under his arm, it stuck out above his shoulder.<sup>38</sup> The weapon, then, was too long to have been carried in the manner described by Frazier.<sup>39</sup>

We can credit the accuracy of his testimony since both Mrs. Randle's and Jack Dougherty's observations confirm and confine it. Even CBS obviously thought Frazier's testimony to be reliable. Had the weapon been wrapped in the bag, it is likely that Dougherty would have recognized it, since the weapon was no longer out of sight but a very conspicuous object. CBS made no mention of Dougherty.<sup>40</sup>

Oswald claimed that he carried lightweight curtain rods in the bag. Curtain rods could be carried in the manner Frazier observed. The claim was never really investigated except that the commission says no curtain rods "were *known* to have been discovered in the depository building after the assassination."<sup>41</sup>

CBS said that Oswald was seen carrying a "heavy looking package." But this is not what Mrs. Randle said. She made it clear in her testimony when she said a brown heavy paper bag; that "heavy" referred to the texture of the bag and not the

contents of it.<sup>42</sup> The impression left by CBS was that a heavy object was in the bag, i.e., a rifle. What does this prove? Well, while it doesn't exonerate Oswald, it far from convicts him. It was an important aspect of the examination and one that surely deserved careful examination. One comment that supporters of the report often make regarding Oswald's presence on the sixth floor shortly before the assassination is that Oswald had been eating his lunch there while waiting for the motorcade to pass.<sup>43</sup> According to the police, a pile of chicken bones was discovered on the sixth floor during the search. Strange as it may seem, the bones were not photographed or kept as evidence.<sup>44</sup> No molds were made for analysis, and the only evidence submitted was the word of the Dallas police. The bones were *discarded*. This does not sound like the same police force that was so thorough in lifting prints and gathering other evidence. Fortunately, another TSBD employee admitted that the chicken bones were left by him, and that it was he who had eaten the chicken earlier in the day when the work crew was on the floor.<sup>45</sup>

In a recent television broadcast, *JFK, a Time to Remember*, the entire continuity of the program was upended when smack in the middle, author Jim Bishop and commission counsel Belin appeared again to try to put the finger on Oswald. With all the more solid grounds of evidence they could have used to make their point, they chose to bring up the chicken bones affair.<sup>46</sup> I personally found it very annoying that the commission's conclusion was still trying to be sold by such an absurd argument. I know that Mr. Bishop can field a better argument than that—I could, and I do not even believe the Warren Report.

With respect to the Tippit murder and subsequent capture, so little is stated by the report that one must wonder about the incident's relation to the assassination. Scarcely nine pages cover the entire affair.<sup>47</sup> Perhaps the commission felt the less said here the better. Review of the evidence shows very little substance to the commission's claim that Oswald shot Officer Tippit.

While the report makes a big scene about eyewitness Helen Louise Markham, who like Brennan, offers the key "identification" to put Oswald in the right place at the right time, actually quite the opposite is true.<sup>48</sup>

On page 167 of chapter 4, the report tells how Mrs. Markham

was taken down to the police lineup where she burst into tears as soon as she saw Oswald.<sup>49</sup> The way the report is written the reader has little choice but to accept this caricature as evidence of Oswald's guilt. I am even quite surprised that the report offers a footnote, for if the reader refers to the source he or she will get a different impression. In volume 3, page 310, Mrs. Markham testifies that she *could not identify any of the four men presented*.<sup>50</sup> The only reason she chose Oswald was that the Dallas police made him wear the jacket that he probably did not even own.<sup>51</sup> Mrs. Markham identified the *jacket* because it was the one that Tippit's assailant shed as he fled the scene of the crime, the jacket that Marina Oswald said her husband did not own.<sup>52</sup> Her only other reason for choosing Oswald was that she said she got "cold chills" when she saw him.<sup>53</sup> If she got chills it is understandable; she had witnessed someone shoot a police officer whom she did not recognize as being Oswald, and she felt that he was going to kill her also. The man wore the jacket that was put on Oswald at the lineup.<sup>54</sup> Her own description to FBI Agent Odom was that the man was about eighteen years old.<sup>55</sup> Mark Lane had her discussion on record from his taped interview. When she appeared before the commission she denied ever seeing or speaking to Lane.<sup>56</sup> Lane played the interview before her; as she listened to her own voice, she flatly denied it.<sup>57</sup> Later, she admitted to it after questioning and presentation of evidence before the commission; in short, when the fire got hot she tossed in the towel. But the commission felt she was still a "reliable" witness.<sup>58</sup>

On November 22, 1963, Brennan could not identify Oswald,<sup>59</sup> but changed his testimony before the commission on January 7, 1964.<sup>60</sup>

The cab driver who allegedly heard the slayer say, "Poor damn cop," as he passed his parked cab on Patton Street<sup>61</sup> could not make an identification when he viewed the photographs.<sup>62</sup>

Of the four bullets allegedly recovered from Tippit's body, the FBI found it impossible to trace any of them directly to Oswald's revolver.<sup>63</sup>

At this point, the case against Oswald is still very shaky. There is nothing to link him with the assassination of the

president or the murder of J. D. Tippit. There was no reason why he, to the exclusion of all other people in Dallas, was charged with the crime. After Oswald had been beaten and brought to police headquarters in Dallas, he was not yet charged with the Kennedy assassination. But when Captain Fritz returned from the TSBD at 2:15 P.M. Officer Hill asked Fritz what Oswald was wanted for. Fritz replied that Oswald was the only employee missing from roll call.<sup>64</sup> This is one clear area that might indicate official involvement in the frame-up against Oswald. The fact is no roll call was ever taken.<sup>65</sup> Fritz then ordered Oswald's house searched. Oswald was charged, according to the police, on this pretense of a nonexistent roll call. Oswald protested at his news "conference" that he had *not* been charged with shooting the president, but that he had been charged with the shooting of a police officer. To clear this dilemma, the Dallas police presented its homicide report which charges Oswald with the assassination.<sup>66</sup> The only problem is that the homicide report does not agree with the police radio log.<sup>67</sup> The homicide report notes the time of the charge to be 1:40 P.M. According to the radio log, the police were not even notified that a man had entered the theater until 1:45 P.M.<sup>68</sup> This means that Oswald was charged five minutes before the police were notified of his existence, at least eleven minutes before his arrest<sup>69</sup> and thirteen hours before they ever knew Lee Harvey Oswald may have been involved in the president's assassination.

In any event, Oswald's home was immediately searched. Uncovered was a photograph of the accused holding the Mannlicher-Carcano with a revolver strapped to his side.<sup>70</sup> How convenient to have both weapons in the single picture, just waiting to prove his guilt!

The photo was widely disseminated on the front page of almost every newspaper throughout the country. In the minds of most Americans, myself included, this photograph put the cuffs of guilt on Oswald. In the wave of understandable shock and anger, the man being held had been convicted.

Since that first printing that picture has received a lot of attention. The latest claim is that under photo analysis the picture has been proven to be a fake.<sup>71</sup> Oswald himself proclaimed

the night of his arrest that it was his head but not his body.<sup>72</sup> Mark Lane testified as to the obvious touching up that had been done by a number of magazines in reproducing the photo.<sup>73</sup> There were touchups on the metal portion of the rifle,<sup>74</sup> around the head,<sup>75</sup> and between the legs of the figure.<sup>76</sup> The FBI was unable to determine if the weapon was the Carcano found in the TSBD,<sup>77</sup> and researcher Sylvia Meagher claims that the gun held by Oswald in the picture is 2.4 inches longer than the rifle said to have shot the president.<sup>78</sup> Also, critics of this photograph have pointed out that the "V-shaped" shadow beneath Oswald's nose came to a point, square in the middle of his upper lip while the shadow from his body angles off behind him.<sup>79</sup> Thus, there is reason to believe that the head was photographed at a different time of day (earlier) than the rest of the body.

Robert Anson states in *New Times Magazine* that the chin of the man in the photo printed on the cover of *Life* magazine in 1964 was that of someone else.<sup>80</sup> It appears to be a valid claim. Also the position of the head in relation to the body is so awkward that the stance could not be duplicated without losing balance.

Other items taken from Oswald's home were pictures and documents relating to his travels in the Soviet Union, pictures of himself as a child, pictures of his wife Marina, and other material that was totally unrelated to the assassination of the president. Much if not most of it appears in the twenty-six volumes of evidence.

In the very beginning of volume 1 of the testimony, the commission states that material that was "clearly irrelevant to any facet of the commission's investigation" was deleted.<sup>81</sup> Unfortunately just the opposite seems to be true. Relevant material was deleted and irrelevant material was printed. Included in the commission's "irrelevant" deletions was Mrs. Kennedy's testimony regarding the nature of the president's wounds.<sup>82</sup> This important testimony was censored from the record. Also, when Oswald's records were cased, they were found to contain the names and addresses of various FBI agents.<sup>83</sup> Unfortunately when the FBI submitted its translated copy (it was written in Russian), the

name of FBI Agent James Hosty did not appear.<sup>84</sup> This seems strange because Hosty's name was contained in Oswald's address book, for it was Hosty who had spent at least three occasions at Oswald's home.<sup>85</sup> It had been reported that Oswald was a paid informant of the FBI, ID No. S-179 (172)! The message came to the commission's attention from the Dallas district attorney's office.

Apparently this was "irrelevant" in the commission's sense of the term. But a look at their relevant material produces children's photographs, Marina Oswald's baby pictures, and Mrs. Marguerite Oswald's dental records, which appear as Commission Exhibit 1 in the printed evidence.<sup>86</sup> This is just a small part of the abundant stuffing that exists in the later volumes.

Based on all this "evidence" gathered from the TSBD, from the Tippit murder, from Oswald and his home, relatively little satisfies the charges that Oswald shot the president. I do not absolve Oswald of complicity. I must admit that if the other evidence gathered by the Dallas police and the FBI is correct, Oswald was connected at least in some way to the ownership of the rifle. However, as more and more unfolds, one begins to question the authenticity of the reported gathered evidence. For example: While the commission concludes that Oswald's weapon was wrapped in a blanket in the garage, no evidence sustains the claim.<sup>87</sup> No one saw the weapon in it, neither Ruth nor Michael Paine, in whose garage it was allegedly located.<sup>88</sup> Only Marina Oswald ever saw a rifle in that blanket.<sup>89</sup> According to the FBI analysis of fibers found on the weapon, none could be traced to the blanket in Mrs. Paine's garage.<sup>90</sup> While Marina Oswald's testimony must bear some significance, I would note that she was eager to "cooperate" with the investigation. Her testimony is contradictory and as she herself testifies, she was told to "cooperate" or she would be referred to the immigration agency.<sup>91</sup> She obviously was being faced either directly or indirectly with *cooperation* or *deportation*.

The rifle allegedly identified by Marina Oswald was purchased from Kline's Sporting Goods Store, a mail-order house in Chicago.<sup>92</sup> The order is shown in the commission's evidence as



is the advertisement from which Oswald learned of the weapon.<sup>93</sup> Oswald's name does not appear on the forms; it is signed "Hidell," an alias the commission claims to have been used by Oswald. A Selective Service card, also bearing the name "Hidell," was allegedly taken from Oswald's wallet after his arrest.<sup>94</sup> Since there is no police records on the interrogation of Oswald, it would appear again that all we have is the word of the police. According to the FBI, however, the writing on the mail order was that of Oswald. It is this evidence that even the critics must admit indicates Oswald had something to do with the weapon. Our only alternative is to believe that all this material was forged. There is no evidence, to the best of my knowledge, that indicates this material was forged; however, there is questionable evidence that Lee Harvey Oswald was the man who received the weapon at the Dallas post office box No. 2915.<sup>95</sup> The weapon was mailed to "A. Hidell," but it is not known if "A. Hidell" was an authorized person to receive mail from the box.<sup>96</sup> The authorization slip had been thrown away when the box was closed on May 14, 1963.<sup>97</sup> Also, and more importantly, there was another man using the name "Oswald" in Dallas, a coincident which has further leads into a possible second Oswald,<sup>98</sup> i.e., someone used the name "Oswald" for the repair and mounting of a telescopic sight at a sporting goods store in Irving, Texas, about two weeks before the assassination.<sup>99</sup> The man was never found, but his name appears in various places in the commission's evidence.

It is a fact that the sight mounted at the sporting goods store could not have been placed on the Mannlicher-Carcano.<sup>100</sup> The Carcano was shipped from Chicago complete with its sight attached.<sup>101</sup> Oswald's mail order was for a \$12.00 weapon, but with a scope attached; along with shipping fees, the total bill was \$21.45.<sup>102</sup> The fee for the weapon shipped to "A. Hidell" was \$21.45.<sup>103</sup> In short, Oswald, if he was the alias "A. Hidell," could not have been the Oswald that had a telescopic sight mounted between November 1 and November 14 in Irving, Texas! We are now faced with a second Oswald and a second gun, neither of which has ever been accounted for.

Just as important as the quality of the rifle is the performance of its user. While the commission contends that Oswald was capable of firing three shots in 5.6 seconds, the fact is that Oswald's marksmanship was of poorer quality than his alleged cheap twelve-dollar weapon.

While the commission presents a series of targets and firing scores as evidence, the material upon which it forms its conclusion actually contradicts the commission findings.<sup>104</sup>

During the early phase of the Warren Commission's investigation, the press widely dwelled on the words *marksman*, *sharpshooter*, and *expert* to describe Oswald's firing proficiency. In some cases they even used the combination of *expert marksman* which signifies a rating that simply does not exist. In the context of the literature, nothing could be more misleading.

The only category above that signifies a notable degree of expertise with a weapon is *expert*. An expert Oswald was not; he did not even approach that qualification despite the imprecise claims of news accounts. His best score during his Marine Corps record was 191,<sup>105</sup> which places him extremely low in the second or sharpshooter category. In fact had he fired below 190, he would have fallen into the very lowest classification—marksman.<sup>106</sup> I, myself, qualified as a sharpshooter during my service time with a substantially higher score than Oswald, and I could not be considered anything greater than an average shot. Oswald, according to his records, was *never* better than average, and his scores indicate he was frequently quite poor. Yet, somehow, proponents of the report have come to believe and infused in the public's mind that Oswald's rifle capability was one of splendor and superiority. An example of this perversion can be found in an article published in the December, 1974, issue of *Resident and Staff* magazine.<sup>107</sup> In spite of Oswald's known capability, Dr. John K. Lattimer of Columbia University presents as partial evidence two of Oswald's Marine Corp targets.<sup>108</sup> The targets also appear in the commission's volumes of evidence.<sup>109</sup> The scores read 48/50 and 49/50,<sup>110</sup> and clearly marked at the top of the sheet is the phrase "Rapid Fire."<sup>111</sup> This inventive technique of persuasion works on the reader with a two-pronged effect.

First, the two scores noted represent the very best of Oswald's record. They were not under qualifying conditions and in no way represented Oswald's norm. Second, the phrase "Rapid Fire" leaves the reader with the impression that Oswald could perform the task rapidly, even as quickly as the assassination had taken place. Unfortunately, Dr. Lattimer makes no mention of the FBI test which required an absolute minimum of 2.3 seconds to operate the Carcano's bolt.<sup>112</sup> Had he done so, he would have displayed an obvious deficiency in his own argument. Dr. Lattimer is regarded as an expert in ballistics.<sup>113</sup> I am not. However, I have done a great deal of firing prior to and during my military service and I am thoroughly familiar with the weapons Oswald used on the targets in question. The test scores mentioned are the result of one of three possible weapons, the M-1, M-1 carbine, or the M-14. I seriously doubt that it was an M-16 since it was not in wide circulation at the time of Oswald's service. Had it been so, it would make no difference, since the M-16 operates on the same general principle as the M-1, carbine, and the M-14. In any event, each of these weapons are of the air-cooled, *gas-operated*, automatic/semiautomatic shoulder class.<sup>114</sup> This means that Oswald could fire at his military targets without removing his index finger from the trigger assembly unit in order to operate the bolt. With the Mannlicher-Carcano, however, because it is *manually operated* as opposed to the *gas-operated* weapons he used in the service, Oswald would have had to remove his finger from the trigger, grab the bolt, yank it back to eject the spent cartridge, ram it forward in order to chamber a new round, and lock his bolt—then return his hand to the trigger and reaim at his *moving* target which traveled between twelve and fifteen mph.<sup>115</sup> All this takes significantly more time to perform than Oswald's military weapons. The FBI requirement of 2.3 seconds did *not* allow for the added time to regain aim at the moving target.<sup>116</sup> Oswald's military targets were *stationary*.

So although Dr. Lattimer means well, he has overlooked the most basic conditions in determining Oswald's rifle capabilities. He is comparing animals with fruit and arrives at a simple con-

clusion, irrespective of the fundamental differences. Other tests run by Dr. Lattimer are in fact worthy of consideration and although while his argument contains some discrepancies, I believe that his studies can and will be instrumental should a re-investigation materialize.

Even the Warren Commission's reenactment could not duplicate the feat it attributed to Oswald. The world's top experts with the Carcano could not hit the target as Oswald was supposed to have done.<sup>117</sup> Those that could squeeze off enough shots in the time needed could not hit the target. Those that hit the target needed substantially more time. And to complement that, although the commission knew the limousine traveled from twelve to fifteen mph, for their test they used a speed of only 11.2 mph.<sup>118</sup> Besides, the test rifle was not elevated to the proper height.<sup>119</sup>

CBS conducted a similar reenactment in 1967 at the National Ballistics Laboratory in Belaire, Maryland. While they corrected the commission's height and angle to correspond with the sixth-floor window of the TSBD, they used an even slower speed (11.0 mph) than the commission's already undercut speed.<sup>120</sup>

The results were hardly any better. In fact, they might have even been more disastrous had CBS not made some special adjustments. Eleven men made thirty-seven attempts at three shots each. *Seventeen* had difficulties operating the weapon.<sup>121</sup> To compensate and ignore the difficulties, CBS instituted a "no-time" rule.<sup>122</sup> Neither CBS nor the commission's experts did the job—both used targets three times larger than the president's head.<sup>123</sup> To me this is convincing evidence that Oswald, if he fired at all, needed at least one other coassassin to do what was done on November 22. But in the eyes of the Warren Commission, Oswald could do it alone. The single-bullet theory had to survive or the commission's case would crumble under the weight of its own tests. Once this was apparent, the commission should have reversed course to reexamine the evidence; instead, they chose to continue on and prove that Oswald could and did assassinate John Kennedy all alone, a task they were never able to accomplish.

## The Arrest

What little we heard in defense of Lee Oswald came from his own mouth in the very brief seconds he appeared before the American press on the evening of November 22, 1963. Little did America and, much less, Lee Oswald know that the few words he spoke in public at the midnight "press conference" would be his last. The next time he stepped out, he, too, would be shot, and he would die in the room just across the hall from where President Kennedy had died, less than two days before!<sup>1</sup>

To complicate the understanding of what was or was not true, the Dallas police chose not to keep any recordings of the police proceedings and interrogation sessions of Lee Harvey Oswald.<sup>2</sup> For nearly forty-eight hours Oswald was closed in the Dallas police station without any official record of his detention. The only evidence that emerged from that building was what the Dallas police later told the commission. The very fact that no recording was kept during his interrogation and arraignment has left America to decide for itself whether the activities carried on inside were what was being announced outside.

To begin with, it was obvious that when Lee Harvey Oswald was brought before the press on Friday night, he had not yet been charged with the assassination on the president.<sup>3</sup> However, by 2:15 P.M. or about ten hours before his press conference, the word was already out that a suspect in the assassination had been apprehended.<sup>4</sup> In fact, the apprehension of Oswald as the president's assassin was broadcast on television at 3:28 P.M.<sup>5</sup> While everyone outside and inside the police headquarters knew this, Oswald was not yet told. Thus it was impossible for him to make any statements in defense of himself since he did not even know what he was charged with. All he knew by midnight was

that he was charged with and arraigned for the murder of a policeman,<sup>6</sup> and he repeatedly denied having done that. When the question was put to him, "Did you kill the president?" he denied it and stated that he was not charged with it and that he had no legal representation.<sup>7</sup> He then asked that someone step forward to give him legal assistance.<sup>8</sup> The Dallas police later claimed that Oswald was given his rights and refused legal counsel when John Abt, a New York lawyer requested by Oswald *could not be reached*.<sup>9</sup> John Abt testified before the commission that he had never heard of Lee Harvey Oswald.<sup>10</sup> Had tapes been kept, perhaps none of this would have even been questionable. We are left with the claim by the Dallas police that Oswald *declined* legal help, but Oswald apparently was *begging* for anyone that evening.<sup>11</sup> While Oswald expressed a second preference for a lawyer from the American Civil Liberties Union, none was ever sent.<sup>12</sup>

By Sunday, November 24, everyone including Oswald was now aware that he was the accused assassin. But Oswald would not get another chance to speak. Instead, a decision was made to transport him from the city jail to the county jail, a move that was not even necessary. His protection was essential if America was ever to know who was responsible for John Kennedy's death. The Dallas police knew it and the entire world knew it. Oswald's request for legal assistance never materialized. His public plea was not sympathetically received by a nation that had just lost its president, a nation that had been fed by Dallas police the fuel that kept the fire of hatred burning. As Oswald began his abortive transfer on Sunday morning, November 24, he may have been aware that he would be used as a scapegoat, that he alone would tow the rope for America's most despicable act. As America watched the accused assassin for only the second time, he was shot to death before their very eyes. It was the *only* way to quiet Oswald before he could talk. It was the *only* thing that the police should have been concerned with preventing.

Instead we see a different preoccupation on the evening before the transfer. Chief of Police Jesse Curry made a public

announcement to members of the press that Oswald would be transferred the next day.<sup>13</sup> He further urged them all to be there by ten o'clock the next morning. Curry said if they came then, they wouldn't "miss anything."<sup>14</sup>

The decision to transfer Oswald on Sunday morning rather than Saturday evening, according to the report was determined by Captain Fritz.<sup>15</sup> Fritz stated that a night transfer would not be advisable because he wanted to be able to see if anybody tried to cause them any trouble.<sup>16</sup> Fritz was advised to take Oswald out another exit while the newsmen waited in the basement, but he refused.<sup>17</sup> According to the report, another suggestion that Oswald be moved at an undisclosed time was suggested, but Fritz again declined.

By morning, the Dallas police were more aware than ever of the hazards of a public transportation of the accused. Twice during the evening they were phoned and told that Oswald would be shot during the transfer.<sup>18</sup> In spite of the warnings, the police insisted on bringing Oswald through the basement. Although almost no protection was provided, he would have to walk a great distance before reaching the armored vehicle.<sup>19</sup> No police walked ahead of Oswald; he had but two escorts, one on either side. He was wide open and may have recognized Jack Ruby when Ruby plunged out in front of him. There was a number of alternate routes and methods of transfer, all of which would have protected Lee Oswald from death and still provided the press with an opportunity to see the accused. Selected television cameras and newsmen could have been allowed to interview and film the accused within the station. The list is as long as even the simplest mind could imagine; yet, still, for some reason, the Dallas police officials brought Oswald out through the basement corridor.

Most frightening is the fact that Ruby was a friend of the Dallas police, notably Bill Alexander.<sup>20</sup> It was Alexander who told Ruby after his arrest that he'd be protected.<sup>21</sup> One Dallas policeman was married to one of Ruby's "girls." There was no secret even in the report that Jack Ruby and the Dallas police were well acquainted. And there is good reason for the acquaint-

ance. Ruby was arrested a number of times for various disorders and crimes, particularly for carrying concealed weapons.<sup>22</sup> He was known to carry guns. It was known that he had underground connections. There was every reason in the world for the police to suspect him. Unfortunately, the commission didn't think so. Ruby was seen in the police headquarters at the midnight press conference Friday evening. So not only was Ruby able to get into the station on the morning of Oswald's murder, but also was he permitted in on the evening of the president's assassination. He even spoke to police officials and press people. The commission makes no attempt to explain how Jack Ruby was able to get into the police headquarters on Sunday morning. We do not have an explanation to this very day.

In *Investigation of a Homicide*, a book with the obvious intent to get the Dallas police off the hook, it is suggested that Ruby may have slipped by one security guard that left his post to direct traffic. I question the event very seriously. I cannot and do not believe that anyone guarding the life of an important person would leave his post to direct traffic.<sup>23</sup> It baffles the imagination that anyone would even suggest such an excuse. It is almost impossible to believe that any police organization could operate in the manner the Dallas police did. We are asked to believe that the police report of the German Mauser found in the TSBD was a mistake based on a "glance."<sup>24</sup> Then the police sent fifteen officers with shotguns to investigate a man that entered a movie theater without buying a ticket.<sup>25</sup> Someone reported a police roll call that did not even take place. They charged Lee Oswald on paper for three crimes that he was not yet suspected of committing. The police left loaded shotguns sitting on the back seats of a crowded theater. The arrest report was written up before the police knew of Oswald's existence.<sup>26</sup> At 3:26 P.M. police officials announced to the nation that their hostage was a suspect in the assassination of President Kennedy,<sup>27</sup> but they forgot to tell the accused until after midnight.<sup>28</sup> No recordings were kept of the interrogation sessions.<sup>29</sup> The police were *warned* that the accused would be killed during the transfer,<sup>30</sup> yet they compelled him to walk a great distance to

the armored vehicle, with almost no protection.<sup>31</sup> The policeman responsible for guarding one of the most important exits in history decided that he would rather direct traffic instead,<sup>32</sup> and an underground figure *known* to carry a gun was allowed to wander around police headquarters talking to police officials and was not even questioned.<sup>33</sup> One gets the vision of the "Keystone" cops, but the hilarity becomes tragedy when we are asked to accept them as excuses for what appears to be a deliberate effort by someone to close Oswald's mouth with a bullet. This comedy of errors should have been explored by the commission. It was not.

With Oswald dead, Jack Ruby was immediately suspect of some form of conspiracy. The commission found no evidence that Ruby was involved in anyway in an attempt to silence Oswald, or did they? The report paints a picture of Ruby as being a simple, deranged, and upset individual, who was coaxed on only by his emotions in the wake of the tragedy. What the commission did not do is explore and probe other possibilities nor did they question other interesting events surrounding Jack Ruby.

For example, Ruby had \$1500 in his possession at the time of his arrest.<sup>34</sup> Confiscated from the trunk of his car were two M-16 rifles and a crate of hand grenades.<sup>35</sup> On the surface neither seem very important but it was alleged that Ruby may have been involved with gun running operations between Dallas and New Orleans. The CIA was arming and training Cuban refugees for a projected reinvasion of the island. It is now known that President Johnson was considering the operation but cancelled it when the United States became involved militarily in Vietnam and the Dominican Republic.<sup>36</sup> It is no secret that the CIA contracted with underworld organizations for the assassination of Fidel Castro.<sup>37</sup> Had it not been for President Kennedy and his brother Robert, the CIA might have carried it out. Kennedy stopped it when he learned of it.<sup>38</sup> The CIA crime link should have been a signal of suspicion since Ruby was involved in organized crime. The commission fancifully tried to limit Ruby's criminal affiliations to "professional gamblers."<sup>39</sup> This however did not disassociate him from the Cuban issue since one of

Ruby's particular gambling interests was in *Havana, Cuba*.<sup>40</sup> It is very likely that Ruby was deeply involved with a double roll, acting both with the Dallas police and organized crime. It is clear from Dallas police testimony that Jack Ruby was an informant relating to police investigations in the area of narcotics.<sup>41</sup> Ruby was providing the criminal world with go-aheads of drug transportation in and out of Dallas.<sup>42</sup>

The FBI knew this since it had issued a report on the drug activities of Ruby seven years before the assassination.<sup>43</sup> The report was given to the commission, but like so many other aspects of the assassination that bears the CIA-crime-Cuba tie it was played down. In fact it was ignored. Surely, the money, the guns, the affiliations of Jack Ruby all take on an added importance when the bag of evidence is emptied out on the desk. The commission, however, was not interested in finding "others" that may have been involved; they were more concerned with squashing the "dirty rumors"<sup>44</sup> that have, in time, proven to have more substance than the commission was willing to admit. Commissioner Gerald Ford was preoccupied with protecting the intelligence agencies from jeopardized operations.<sup>45</sup> I don't know why he felt it necessary to protect the CIA and FBI; one of his fellow commissioners was a former director of the CIA.<sup>46</sup> Anyone who reads the report, or its twenty-six volumes of testimony becomes more than aware that the intelligence organizations were well protected from implication of involvement with Lee Harvey Oswald, Jack Ruby, or the assassination of President Kennedy.

The unfortunate truth behind the inquiry is that it was no inquiry at all. Chief Counsel J. Lee Rankin personally sent a letter to the intelligence organizations telling them to "clear your own skirts."<sup>47</sup> The commission, of course, was aware of this and whatever the FBI and CIA could not cover up themselves, the commission did for them, such as the Hudkins report.

One commission document dated December 11, 1963, is a report by Alonzo Hudkins, a Houston reporter, that suggested that Oswald's death was a premeditated incident. The report states that the Dallas police were aware of Ruby's presence at

the Friday-night press conference of November 22. They knew he carried a gun and knew he had no business there. It also states that Ruby's lawyer, Tom Howard, was aware that Ruby was armed and present at the "press conference" and that within two minutes of Oswald's arrival at Parkland Hospital, Howard was present at the Dallas County sheriff's office to get Jack Ruby released.<sup>48</sup> Attorney Howard was later killed, and he is among the more than seventeen people involved with the assassination that died under mysterious circumstances.

Hudkins was not questioned on this important document nor on a second document of February 17, 1964, which referred to Oswald's alleged ties with the FBI.

This is not the only mystery surrounding the Jack Ruby incident. On the afternoon of the assassination sometime after the murder of Officer J. D. Tippit, one eyewitness to the incident was himself shot in the head.<sup>49</sup> He could not testify at the time of Mr. Lane's appearance before the commission because he was hospitalized, recovering from his wound.<sup>50</sup> One suspect was apprehended for the shooting. His name does not appear in any documents relating to the incident because he was released. The reason he was released was that a girl named Betty Mooney MacDonald had offered to take a polygraph to attest to the suspect's actions that day. The girl was employed at the Carousel Club; she was one of Jack Ruby's girls.<sup>51</sup> Two weeks later she herself was arrested for having an argument with her husband. She was found hanging in her cell.<sup>52</sup> The official explanation of death—*suicide*.

In the years that followed the assassination, Jack Ruby was tried and convicted in a court of law for the murder of Lee Harvey Oswald.<sup>53</sup> But for some reason the "Keystone cops" forgot to inform Jack Ruby of his rights. His conviction was overturned, and he was shortly to be freed. The Dallas police, who bungled Oswald's detention so miserably, came through again. While they insisted that Oswald be notified of his legal rights, they forgot to inform their friend and comrade, Jack Ruby.

There have been a number of reports that during Ruby's detention he wrote letters to his sister Miss Eva Grant telling her

that there was more to what happened in Dallas than he testified to. He is reported to have told her that he would tell what he knew if he could. I have personally never seen any such letters. I do not know for a fact if they exist. But the charge is all the more suspicious when we realize that shortly before attorney Howard's death, Ruby did relay word to him that he wanted to talk with Howard privately and could not do so from where he was.<sup>54</sup>

Ruby never did get released; instead, he was placed in a hospital for some physical disorders, and one day America was told that Jack Ruby died of cancer.<sup>55</sup> It may be true. I would not be surprised if his death records indicate this. A proclaimed former military cover story writer stated over the radio in a Chicago broadcast that he believed Jack Ruby was killed—assassinated by injection<sup>56</sup>—in short, that he was injected with cancer-forming agents. I do not confirm this suspicion but at this point I do not fully rule out the possibility, because Jack Ruby was given a complete physical examination *one week* before he died and no mention of cancer was made anywhere in the physical report.<sup>57</sup> I do think there is room to argue the incident on either side. It is, however, a case that should be fully investigated.

Did Lee Harvey Oswald know Jack Ruby? There is little information available to us on this subject. There have been a number of allegations that the two may have known one another, but there is no convincing evidence that they did. Again, however, there are some loose ends that the Warren Report dances over in its attempt to dismiss the overtones of conspiracy. The commission notes that Jack Ruby's whereabouts could be vouched for during the month of October, 1963. It states that there is no evidence that Ruby engaged in any travels outside of Dallas. But the two days Oswald spent in Mexico are coincidentally the only two days that absolutely no account is made for Jack Ruby's whereabouts.<sup>58</sup> The commission is quite proper here in admitting that Ruby's location could not be traced on those days.

## **More Unanswered Questions**

"We found no evidence of any kind that there was a conspiracy."<sup>1</sup>

That statement was made by Chief Justice Earl Warren at the close of the commission's work on September 24, 1964! While the statement emphatically denies evidence of conspiracy, the truth is that there was more than adequate evidence of a greater involvement, either domestic or internationally. When Warren made the statement he could not have been speaking for the entire commission (though he was), for three of the six undersitting members have expressed doubts that Oswald acted alone. Two of them, Senator Richard Russell of Georgia and Congressman Hale Boggs of Louisiana, urged private investigators to get the case reopened.<sup>2</sup> Hale Boggs wanted to write a minority opinion but Warren agreed instead to substitute "possibles" for "probables" throughout the report.<sup>3</sup> Warren feared that evidence of a conspiracy could send the United States into war.<sup>4</sup> Thus, we have the absolute denial of greater involvement. Even President Johnson did not believe that Oswald acted on his own accord.<sup>5</sup> This fact is corroborated by a recently declassified filmed discussion of the matter between CBS news correspondent Walter Cronkite and President Johnson.<sup>6</sup> In the discussion it is obvious that the president believed that John F. Kennedy was killed by a Communist conspiracy.<sup>7</sup> Whether the president's death was the result of a Communist plot or a domestic plot fashioned by the far right has little to do with Warren's statement, for he flatly rules out *any* complicity.

The problem with singling out which side a conspiracy may have come from is that Oswald seemed to have affiliations with

both sides, the right and left. The commission tells us in chapter 6 that Oswald's Soviet relations were no way a part of his actions in Dallas (if he was one of the assassins), but it is precisely the Russian ideals that the report holds as possible reasons for Lee Harvey Oswald to shoot the president.

According to the report Oswald *defected* to the Soviet Union in 1959, after receiving his undesirable discharge from the Marine Corps.<sup>8</sup> It was said that Oswald learned to speak Russian because of his Communist ideals.<sup>9</sup> One photograph taken after Oswald's arrest shows the accused with his cuffed hands raised in the air, and the caption states that Oswald was making a Communist salute.<sup>10</sup> All of this was blown totally out of proportion and all the so-called Communist tendencies of Oswald have a beginning not even discussed in the Warren Report. What appears to be left-leaning connections actually may be from the right.

Oswald did not just learn Russian because of some strange identification with Marxism; he had been trained in the language. He did not learn it in school, and he entered the Marine Corps at age seventeen.<sup>11</sup> But sometime during his service he learned to speak Russian quite well. The answer may be in his unique credentials and duty station. All records show Oswald to be somewhat above average intelligence. His test scores indicate this and his mode of speech was very articulate, as evidenced by his talk with the press after returning from the Soviet Union.

Among Oswald's overseas duty stations was Atsugi, Japan, which has been singled out as one of the largest CIA bases in the world.<sup>12</sup> There Oswald, according to his Marine Corps record, learned to be a radar operator. The CIA also uses Atsugi for launching operations in mainland China, and the base is home plate for the CIA U-2 flights.<sup>13</sup> When Oswald returned to the United States in September, 1959, he was granted a hardship discharge within a few days of his request because his mother was injured at work (she dropped a box on her toe). The Marine Corps rapidly processed him out and his mother was back on the job two days later.<sup>14</sup> I must admit that his hardship discharge seems to be an extremely generous gesture from what is regarded as America's toughest group of fighting men. I know

that the Marines don't drag their feet, and they sure didn't waste time relieving Oswald of his duties. Some Marine officers have called his departure "a record time."<sup>15</sup>

Marguerite Oswald stated that she was always under the impression that her son was an agent of the U.S. government.<sup>16</sup>

In any event three days after his discharge the Russian-speaking youngster of twenty years old left the United States for the Soviet Union. His "hardship" did not seem to have been justified, and I know that a discharge is not final upon release but there is a period of up to 180 days in which the dischargee can be recalled.<sup>17</sup> The Marine Corps was not interested?

The report states that Oswald paid for the journey from money saved while he was in the Marine Corps. The cost of his passage was \$1500.<sup>18</sup> Oswald's total Marine Corps savings account balance was slightly over \$200.<sup>19</sup> The flight from London to Helsinki is also questionable since the commercial flight stamped on his passport left one day *before* Oswald reached Finland, with approximately an additional \$1300 that is unaccounted for.<sup>20</sup> In Oswald's taped interview upon return to the United States in 1962, he was asked whether he was receiving government subsidies while in the Soviet Union. His answer leaves a very hazy impression because his first statement was yes, then he said no and he finally sidestepped the issue altogether.<sup>21</sup> It was the only question during the entire interview where Oswald appears to have been stumped by a question.

Shortly after Oswald's arrival in Russia he traveled to the American embassy where he renounced his American citizenship and swore that he would give away military secrets regarding his knowledge of the radar systems he studied.<sup>22</sup> In spite of this, the commission was told by the CIA that no communications were kept on Oswald while in the Soviet Union.<sup>23</sup> Also he married Marina Prodevoska,<sup>24</sup> the niece of a Soviet KGB officer (Soviet police intelligence service), which may or may not have been reason for the CIA to have knowledge of Oswald.

We do know that the CIA maintained a file on Oswald which should have been viewed by the Warren Commission. It was not.<sup>25</sup> *The*, or I should say, a file that was offered was sent back under Warren's direction, unopened.<sup>26</sup>

While I do not charge the CIA with an active involvement in John Kennedy's assassination, I firmly believe that Oswald's curious, rumoured relations with that agency deserved an exhaustive inspection. It is now evident that no investigation of the intelligence agencies was actually mounted. Members of the commission did not want to investigate Hoover.<sup>27</sup> In fact, frequently, when questions were forwarded to the FBI director with respect to the commission's investigation only certain ones were answered. Other times no response whatsoever returned to the commission,<sup>28</sup> and the commissioners would not press Mr. Hoover for answers. Instead, they settled for what Hoover was willing to say.

One telling example of the inadequate review of the FBI was a story from the Dallas district attorney's office that Oswald was a paid informant of the FBI,<sup>29</sup> from 1962 up to and at the time of the president's assassination. Needless to say, the revelation was a frightening one and certainly would have thrown a kink into the Commission's shaky case against Oswald. In fact, a secret meeting was called on January 27, 1964, to discuss the problem.<sup>30</sup> Two facets of action transpired. One was that no one would actively press Hoover on the report outside of the simple question, Was Oswald an FBI informant? And second, that an effort would be made to "dispel" the "dirty rumours."<sup>31</sup> Luckily the transcripts of that meeting were preserved despite urgings by members that the record be destroyed.<sup>32</sup> Harold Weisberg successfully opened the document to public inspection in 1975, after a freedom-of-information lawsuit.<sup>33</sup>

Hoover, of course, flatly denied that Oswald was an informant or agent of the FBI.<sup>34</sup> But this is not the only record of the Oswald-FBI link. Other information, again not discussed in the report or its twenty-six volumes of evidence, does exist. In Commission file No. 87 a police investigation report dated February 17, 1964, and signed by Detectives F. A. Hellinghausen and P. M. Parks of the criminal intelligence section reveals that in 1962 a Mrs. Meller had informed the Dallas police that Oswald had in his possession a book called *Das Kapital* by Karl Marx. Allegedly, the book rendered her suspicious.<sup>35</sup> According to the report, the FBI checked Oswald out and later informed Mrs. Meller



that Oswald was "all right."<sup>36</sup> While other critics have alleged that this "all right" was a certain context which indicated Oswald was working for the FBI, I certainly do not concur with that opinion. I shall assume until it is proved otherwise that "all right" meant that Oswald had been cleared of any dangerous affiliation. But there are some interesting sidelights. The FBI was therefore aware of Oswald's presence in Dallas. Even the report acknowledges the fact that Dallas FBI agents paid frequent visits to Oswald's home (at least on three known occasions).<sup>37</sup> Yet the president's motorcade just happened to be rerouted by a building where Oswald is employed. This point also deserved a better inquiry than it received, particularly since a recently released FBI memo shows that the so-called other fingerprints found on the TSBD sixth floor were known by Hoover to have been fingerprints of FBI agents,<sup>38</sup> a point not mentioned by the Warren Commission.

Unfortunately, commission lawyer Wesley Liebeler did not ask Mrs. Meller anything about her 1962 report, which he must have known about since it is in evidence in the commission's files. Surely, Chief Justice Earl Warren knew the story, because at his secret meeting he learned that Allen Sweatt, chief of the criminal division of the Dallas sheriff's office, allegedly told Houston reporter Alonzo Hudkins that Oswald had been an FBI informant since September of 1962. He was told that Oswald had been designated by informant No. S179 (172) and was on an FBI payroll at \$200 per month.<sup>39</sup>

Hudkins passed the information on to Texas Attorney General Waggoner Carr who, of course, was present along with commission counsel J. Lee Rankin at the secret meeting. While Carr did reveal the story to Warren and Rankin, neither Hudkins nor Sweatt were called to testify before the Warren Commission.<sup>40</sup> That type of misscheduling is inexcusable. It only serves to promote questions why so many important and obvious witnesses were never called to give testimony. I do not claim that Oswald, by reason of this fancy footwork by the commission, was an FBI informant, but I do think that the FBI should have been made accountable for any such possibility, and Sweatt and Hudkins should have been brought forth to produce a full

account of the evidence. Their questioning was avoided, and so was any inquisitive probe on a matter so important to the investigation.

Even if Lee Harvey Oswald, the accused assassin, was not an informant, who then was using his name? We do know that there was another so-called Lee Oswald. A number of incidents prove this, but the commission chose to treat the matter lightly.

Mrs. Sylvia Odio, a Cuban refugee who lived in Dallas, told the commission that three men had visited her home shortly before the assassination, one of whom introduced himself as Leon Oswald. According to the group, Oswald was to be infiltrated into the Cuban underground to get Castro. One of the trio allegedly commented that President Kennedy should have been assassinated after the Bay of Pigs.

On September 21, 1964, J. Edgar Hoover informed J. Lee Rankin that the man was not Lee Harvey Oswald but a man named William Seymour who made the visit with two friends Loran Eugene Hall and Laurence Howard.<sup>41</sup> The Hoover report stated that its investigation had not been completed, but three days later, on September 24, the commission closed its investigation. Before the Hoover report arrived, the commission had already decided that Oswald had not visited the Odio home.<sup>42</sup> While the FBI report changes Oswald to Seymour, it does not clear up the real problem. How was this man, if he was the one, using the name Oswald and, more importantly, Why? According to Harold Weisberg, approximately seven similar incidents occur and exist as evidence in file 950.<sup>43</sup> But the commission's blame for not seeing conspiracy images is far greater than one would expect. Reports submitted were put into summaries and edited,<sup>44</sup> each time channeling out information that proved contrary to the commission's preconceived notions and theories. The commission discredits Mrs. Odio's testimony by saying that she "suffered a very serious emotional breakdown" and that Mrs. Odio was not physically well in the fall of 1963.<sup>45</sup> The man supposedly responsible for the statement, a Dr. Guirtart, was not, as we are led to believe, a medical physician at all. He was a physics instructor at Xavier University in New Orleans<sup>46</sup> and also Mrs. Odio's uncle. Her so-called emotional problems

were attributed to the fact that her millionaire parents were imprisoned by Castro following the revolution after which she fled to the United States, and in 1962 she was said to have been left "without support" when her husband left her. This is all just another unwarranted misrepresentation.

The words "emotional breakdown" belonged to Special Agent Stephen M. Callendar, the man in charge of the investigation.<sup>47</sup> They did not come from Dr. Guirtart. In fact Guirtart did state that Mrs. Odio *did not* require any institutionalization and he described her as being "very intelligent."<sup>48</sup> Mrs. Odio was not physically well in 1963, but we are left with the impression that her so-called emotional breakdown was hampering her psychiatric ability to reason. Not so, her physical problem was due to the fact that she received an operation for a hysterectomy.<sup>49</sup> This in no way substantiates Callendar's interpretation of emotional problems. There was no excuse for this type of fashioning of testimony, a procedure which apparently was widely practiced. As the commission saw the record, Mrs. Odio was mentally unstable.

There is no question after this review that field agents helped set the record, inaccurate as it was, which simply added further injustice to the already questionable investigation.

But the incident with Mrs. Odio became even more involved when on September 16, 1964, Loran Eugene Hall stated that he and two friends were in the Dallas area to solicit aid in the antiCastro movement. He recalled the meeting with Mrs. Odio and was able to recall her apartment number and street. Hall stated in that report that Oswald was not with them.<sup>50</sup> But on September 20, 1964, four days after Hall's initial report he was reinterviewed and retracted his statement of September 16. According to the report, it was "furnished by error."<sup>51</sup> Harold Weisberg suggests that this reversal by Hall does not mean that the *incident* never took place, but that it had and Oswald was present. While I do not necessarily agree with Mr. Weisberg that Oswald was the man, I do agree that the meeting between Mrs. Odio and the curious two did take place. Weisberg may indeed have a foothold, however, because Seymour denied the

incident, at least so far as he was concerned. Since Hoover did communicate this to the commission on September 21,<sup>52</sup> the commission knew of the discrepancy prior to the conclusion of its hearings on September 24. The September 16 letter was printed and used as a source of information; the interview of September 20 was not. The fact that Hall could locate Mrs. Odio's apartment by street as well as number attests to the incident's validity; if the meeting did not occur then someone gave Hall the information necessary for his September 16 statement, which Weisberg suggests was used to explain away the presence of Lee Harvey Oswald.

The commission asked the FBI to identify the two men who accompanied the false Oswald.<sup>53</sup> They did not ask who the false Oswald was. The FBI made no identification of the man, at least not to the commission.

The Dallas FBI office not only was aware that Mrs. Odio's testimony was a fact but they also had a record and arrest file on Hall, Seymour, and Howard.<sup>54</sup> Each had been photographed and fingerprinted on return to Dallas from Miami in the fall of 1963, after transporting what Hall believed to be supplies to the anti-Castro forces. An unnamed Dallas resident had put up \$5,000 in bail, upon which prosecuting attorney Wade dismissed the charges.<sup>55</sup> So the three mystery men were not so mysterious to the Dallas police officials, yet their police records were not even mentioned by the Warren Commission.<sup>56</sup> Had the commission been aware of this fact they might have entertained the possibility that Oswald had company on his trip to Mexico City in October of 1963.

The problem here is that the three men were involved in activities relating to training being carried out by the CIA. It is no secret that the CIA was training Cubans in Miami where the three men, Hall, Seymour and Howard, went. Had the commission been keenly aware of this perhaps they would have been more ambitious in delving into the question of conspiracy. Particularly Commissioner Allen Dulles who was the CIA director at the time of the Bay of Pigs invasion.<sup>57</sup>

Reports by field agents were paraphrased. There was rela-

tively little in the way of direct quotations; hence, we are not absolutely sure of their condition—particularly if they were handled like the testimony of Dr. Guirtart.<sup>58</sup>

There are other curious features about Oswald's possible link to government intelligence units. Upon his return from the Soviet Union, he was met at the airport by a former intelligence officer; in fact, his journey was paid for by the U.S. government.<sup>59</sup> Since this was in the form of a loan I do not think that it proves anything sinister; however, in divergence with U.S. policy toward defectors, Oswald receives a passport within twenty-four hours of his arrival.<sup>60</sup> While some of the discrepancies and seeming incongruencies may be explainable in sum total, there is an uncomfortable frequency of intersected paths between Oswald and the intelligence sector, one that certainly mandates a thorough review.

When Oswald was arrested in New Orleans, he allegedly carried a paper written in Russian. According to the FBI, a New Orleans police officer named Lt. Francis Martello took the paper upon Oswald's arrest but conveniently forgot to return it upon his release. Following the assassination, Secret Service Agent Adrian G. Vial called Martello to ask information on Oswald. According to the FBI file, Lt. Martello discovered the paper in his files and turned it over to the FBI. Copies were sent to the commission. Vial was not questioned by the Warren Commission, but the commission entered the paper into evidence as Commission Exhibit 827.<sup>61</sup>

Oswald's release from custody of the New Orleans police came not after a court procedure, but within a day of the arrival of an FBI agent that Oswald demanded to see. The agent was John Lester Quigley.<sup>62</sup> Quigley interviewed Oswald, and he was subsequently released. According to Quigley, however, Oswald had *nothing to say* during the interview. Although this very important aspect deserves a full explanation, we are left to either accept or reject Mr. Quigley's account, because he kept no original notes from his interview with Oswald to present as evidence. He, like Dr. Humes, destroyed his notes.<sup>63</sup> Quigley claimed that it was part of his normal practice, which is per-

haps conceivable. What is inconceivable is that Oswald had nothing to say.

FBI Agent James Hosty, Jr., also destroyed his original notes relating to his interviews with Marina Oswald.<sup>64</sup>

The slip of paper found by Martello may have had some significance, as suggested by Mr. Weisberg, since it may have corresponded to other material in Oswald's address book. The Martello paper contained among other things the names and addresses of AP and UPI correspondents in Moscow; the name Leo Setyaev for whom Oswald made an anti-American broadcast; and a series of inexplicable numbers. Why Oswald would copy that material from his address book on to a piece of paper that he would carry when he went out specifically to be arrested is unknown.

The Fair Play for Cuba Committee for which Oswald was allegedly distributing literature did not exist. At least not in the form of a committee; Oswald was the only member.<sup>65</sup> Rusty Rhodes contends that this was probably a cover organization for Oswald to act as an infiltrator into Cuban activities,<sup>66</sup> that were being carried out in the New Orleans area during the early 1960s following the Bay of Pigs disaster. It is not simply a sensational appeal; such infiltrations were common by CIA personnel particularly during the Johnson and Nixon administrations. The Cubans involved with the Bay of Pigs performed such infiltrations into dissident groups during the Vietnam crisis and were also responsible for the Watergate break-in at the Democratic National Headquarters during President Nixon's administration.

Of the so-called ex-CIA burglars and officials, we now have another curious figure by the name of E. Howard Hunt who was in Mexico City when Oswald was there in 1963.<sup>67</sup> Just another coincidence of 1972? I suppose it could be, but we do have another problem that brings E. Howard Hunt back to 1963.

When Oswald was taken into custody by the Dallas police following the assassination, the first report was that he was a member of the Free Cuba Committee, which was almost im-

mediately changed to Fair Play for Cuba Committee. When a voice corrected Dallas District Attorney Henry Wade, who made the statement,<sup>68</sup> the observant bystander was Jack Ruby.<sup>69</sup> In any event, the Fair Play for Cuba Committee leaflets were addressed "544 Camp Street." Although the commission was unable to find such an organization at the address, another Cuban group called the Cuban Revolutionary Committee, an anti-Castro group formed by the now infamous E. Howard Hunt,<sup>70</sup> was located there. Obviously, the CIA ties between Hunt and Cuba and the CIA and possibly Oswald were not as suspect at the time of the Warren investigation as they are today after Watergate. I do not believe that the mistake between "Fair Play for Cuba Committee" and "Free Cuba Committee" is reason to suspect sinister involvement—surely the two can easily be confused—but the address "544 Camp Street" now becomes significant enough to ask CIA individuals some questions. I hope they will be able to satisfy the interrogators.

In fact the Hunt connection has gained a momentum all its own. In the April 28, 1975, issue of *Newsweek* a photograph of three tramps taken into custody after the assassination appears.<sup>71</sup> Some critics of the Warren Report contend that two of the men are E. Howard Hunt and Frank A. Sturgis both of whom became known after the Watergate affair. I *do not* believe that the two are Hunt and Sturgis, at least so far as reliable evidence is concerned. I have examined the photographs. I would not make such a claim because it would be an irresponsible venture and I would be grabbing at straws. I agree that many people are looking for such connections and any photograph that bears a resemblance to any prominent figure is quickly swept in by suspicious people as evidence of conspiracy between the CIA and Watergate and the assassination of John Kennedy. I think that at such a time conspiracy is what the people are looking for and they are generally not open to answers, regardless of how valid, from the government. It is for this very reason that a responsible investigation is necessary—to prove the questions and dispel the rumors.

One other conspiracy figure does appear which may be more interesting than the three tramps. It is a photograph taken

moments after the assassination of a man that pops open an umbrella and spins it, then the shooting begins and the man simply walks away, seemingly unphased by the assassination before his very eyes.<sup>72</sup> The figure has been nicknamed, naturally, the "Umbrella Man." The same umbrella does exist and can be seen in frame Z225 of the Zapruder film.<sup>73</sup> It is clear and requires no blowup as do the other photos. Some critics hypothesize that this figure gave a signal for an ambush to begin by popping open an umbrella. The possibility should definitely not be ruled out for a number of reasons. First, because it was hot and there was no need for an umbrella in Dealey Plaza; second, because the umbrella is popped open just as the shooting begins; third, because the man simply walks up toward the east side of Elm Street, only to give a glance back following the assassination; and, finally, because the man has never been produced to testify as a witness or otherwise, nor has he ever been identified. There is surely enough reason to locate and question this man. It was not done by the Warren Commission; in fact, the "Umbrella Man" is not even mentioned in the commission's 888-page report.

What then can be said about the possibility of conspiracy? Obviously, as this report has tried to prove, there was *without doubt* a conspiracy to kill John F. Kennedy. I have in this book, as when I lecture, attempted as much as possible to rely on the hard evidence, i.e., the testimony and statements of doctors, autopsy people, witnesses, bullets, films and photographs to produce the proof. I do not say the CIA was involved nor do I say emphatically that Oswald was an agent of the U.S. Intelligence organizations, but I do bring forth the arguments and the "coincidences" that render the American people suspicious. The Zapruder film alone shows that it was not possible for one man firing with the Mannlicher-Carcano to have been solely responsible for the despicable crime in Dallas on November 22, 1963. Our only alternative to conspiracy is to believe that a group of nuts gathered in Dealey Plaza independently of each other, and by some sheer coincidence began firing at the same man at the same time in the same place—for no reason and under no motivation by others—to murder the president of the United States. This I refuse to accept.

## ***The Urgent Need for a New Inquiry***

For nine chapters now I have criticized the work of the Warren Commission. I have not blown up photographs, pointed to men between the leaves, nor have I attempted to link everything and everyone since 1963 with the assassination of President Kennedy. However, I have produced and reproduced enough evidence to warrant a new investigation. Now, however, strange as it may seem, I will make some statements about the Warren Commission that may seem inconsistent with my preceding presentation. I sincerely believe that even the most ardent critics and conspiratorialists must remember some facts.

First, I do not believe as some have stated that John Kennedy was killed by a conspiracy involving the Warren Commission or President Johnson. I find it hard to believe that it was one "monolithic" monster, as I have stated on radio station WBRU at Brown University. Yes, I do believe there was *a conspiracy*. But had the commission been involved there surely would have been a better case against Lee Harvey Oswald. The evidence is so fragile that even two commissioners, Hale Boggs of Louisiana and Richard Russell of Georgia, did not believe their own report. I have also been told that John Sherman Cooper had reservations about the report. I know for a fact that Lyndon Johnson did not believe it entirely.<sup>1</sup> Hale Boggs wanted to write a minority opinion, but Warren urged against it. Boggs signed the report only after Warren agreed to change the words "probable" to "possible" in numerous places throughout the report. On Earl Warren's deathbed he cited the Warren Commission as being his only regret during his entire public life. Thanks to Harold Weisberg and his freedom-of-information lawsuits we now have

documents that do show us that secret meetings were held regarding Oswald's possible affiliations with the FBI.<sup>2</sup> Unfortunately the record also shows that someone present contemplated and suggested destruction of the transcripts.<sup>3</sup> Fortunately they were not destroyed, and this was because others present spoke up against it.

Warren was evidently concerned from the start of the commission's work about the possibilities that the United States would go to war if the crime produced greater involvement, by proof or implication. But none of this absolves the commission from guilt in a cover-up. There is no way that the commission could view that Zapruder film and believe that one man was responsible for all the shooting, particularly when their own evidence proved a single-bullet theory impossible.<sup>4</sup> Yet, the commission did refuse to look at some of the most important material and actually refused the doctors, themselves, the right to view their own autopsy photographs. A file was provided by the CIA on Oswald but it was not seen by the commission.<sup>5</sup> Therefore we have a perjurious statement on page 304 of the Warren Report.

It states that "the commission has had access to the full CIA file on Oswald which is entirely consistent with Director McCone's statement."<sup>6</sup> McCone said that "Oswald was not an agent, employee or informant of the CIA."<sup>7</sup> How could the commission say, then, that the file was entirely consistent, if it refused to see it? Furthermore the then deputy director of the CIA, Richard Helms, testified that no communication with Oswald through the CIA ever existed.<sup>8</sup> But Mr. Rhodes, an assassinationologist on the West Coast recently mentioned over KGO radio in San Francisco that a declassified document involving Oswald's activities in the Soviet Union was received by the CIA and was signed by Richard Helms.<sup>9</sup> Was this perjury in an indirect way? We have recently become aware that Hoover did know that other fingerprints taken from the sixth floor of the Texas School Book Depository belonged to FBI agents.<sup>10</sup> Who then was responsible for some of the errors? The commission or the intelligence agencies?

Obviously both in part. But the entire cover-up was so sloppy that I suggest on the one hand that there was a conspiracy to shoot and kill President Kennedy and perhaps use Oswald as a fall guy, and that on the other hand there was a separate attempt to cover up what the commission would be likely to see. Here was a dead man, Oswald, who may or may not have shot anyone that day but who himself was also killed before he could be brought to trial. How else could the commission handle it? I believe they should have admitted to what they knew and confessed to what they were unable to learn; instead, they tried to build a case against the accused that was so unstable that it fell completely apart under investigation. Many of the most important questions were left unanswered and some not even probed. The commission worked under a limitation, but not hard enough. Frequently commissioners were absent from sessions. No defense was made for the accused despite the commission's attempt to make its own personal appointee act as Oswald's legal representative. In fact, Marguerite Oswald had selected her own lawyer for that task but was refused.<sup>11</sup> While I have attacked some commission lawyers on their conduct during the investigation, others did want to cross examine Marina Oswald because some felt she was lying.

Some evidence presented to the commission was already doctored.<sup>12</sup> This included photographs and testimony alike.<sup>13</sup> Just how much of this the commission was aware of is questionable.<sup>14</sup> I do not have any reason to believe that the commission directed it. Some people have already selected their favorite ones—Dulles, Ford, Johnson. True, Dulles should not have been appointed to the commission but this does not mean that the CIA fashioned the whole thing. There are questions, but the questions are so important that to leave them unanswered is dangerous and leads only to speculation. Since Watergate our society is willing to believe anything so long as it does not come from the government. I am confident that some, I hope many, of the questions that I and other critics have raised can be answered and that many of the problems, some of which are presented here, can be explained. I am willing to accept solid proof, if it

can be produced, that no conspiracy existed and no cover-up was intended. Unfortunately to produce that kind of a case will certainly mean that somewhere along the line someone will be exposed for conspiracy and cover-up. This is a realistic appraisal of the case. I hope that the commission can explain *their* case. Some people in our country would be dissatisfied if anything short of CIA involvement was proved. I pray that no complicity, at least so far as our own government is concerned, emerges from a new inquiry.

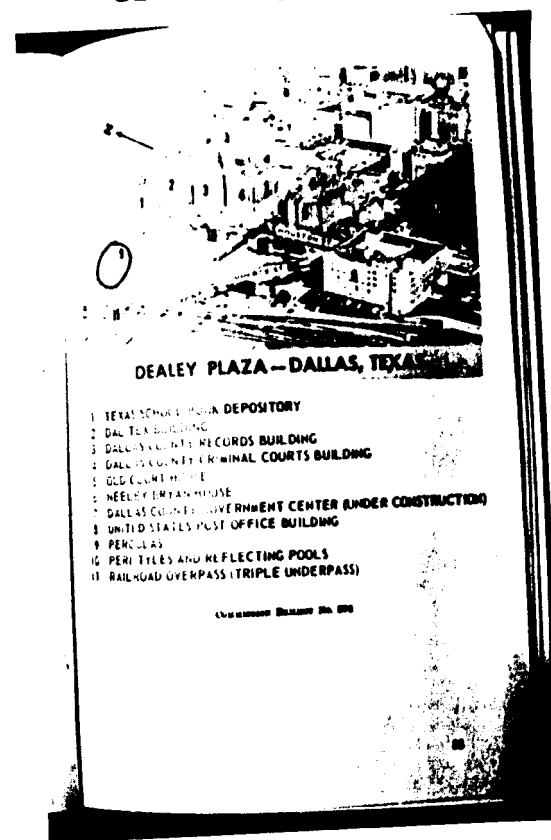
Yes, there is reason to demand a new inquiry. *Yes*, there is evidence that Oswald was set up. *Yes*, there are indications that certain characters from the intelligence organizations were involved with Oswald and that there were forces behind the scenes. But is there *proof* that the CIA was responsible? *No*, no proof, but also since the question was not seriously entertained by the Warren Commission, it is still premature to absolve them. We need and demand a new investigation to come up with an answer, at least as far as can be determined. I do not suggest that a new inquiry will clear up all the blemishes. It will not. There will always be questions. It is impossible to go back and do every test that should have been done, to ask the questions that should have been asked, or to reenact the crime as it should have been recreated. That is clearly water under the bridge. We cannot expect now to identify the "Umbrella Man," the false Secret Service agents or the impostors that used Oswald's name throughout the country. But we may learn about the forces that set the ambush in motion. When people are placed on the stand before the American people, they begin to do strange things. Some of them may lie and take the rap at all costs, but others may open up to save themselves. The Watergate hearings produced both effects but the end result was good. We preserved our government from tyranny and we learned that our country and our Constitution can survive terrible revelations. Indeed, it was so constructed.

America needs to ask the questions, and Congress is responsible for fulfilling its function and responsibilities to the electorate. Since the assassination of John Kennedy, our country has

not had an election that was not directly influenced by the assassination or attempted assassination of at least one man. And the most beautiful aspect of the American Constitution is that it provides for the transfer of power through the process of election, not assassination. When that kind of disruption to our political process occurs, it is America's right to know what happened, why it happened, and who was responsible.

## APPENDIX I

## ***Aerial Photo of Dealey Plaza***



This aerial photo of Dealey Plaza shows the numerous buildings offering possible vantage points for an assassin or group of assassins. A shot originating from the Texas School Book Depository (1), the Dal-Tex Building (2), or the Records Building (3) could be easily confused. The circled area west of the pergolas (9) was singled out by two-thirds of the witnesses as being the origin of at least one shot. This is the area known as the grassy knoll.

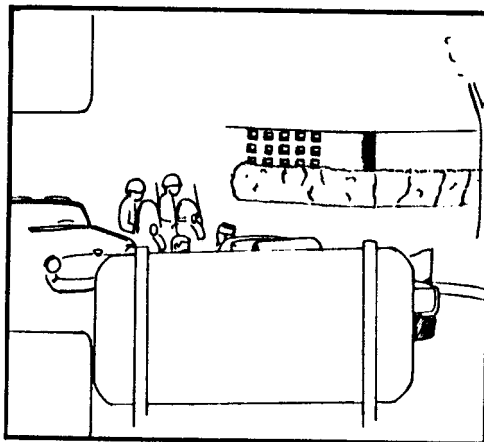
## APPENDIX II\*

### ***Drawings of Limousine Coming from Behind Sign***

These schematic drawings of frames Z206, Z207, Z212, and Z225 of the Zapruder film show quite clearly that as the presidential limousine emerged from behind the Stemmons Freeway sign, President Kennedy is already reacting to a wound. According to the Warren Report, that bullet wounded both President Kennedy and Governor Connally seated ahead of him. The governor testified that it did not, and it is not until frame Z234 that the governor is wounded. This time element completely disproves the single-bullet theory.

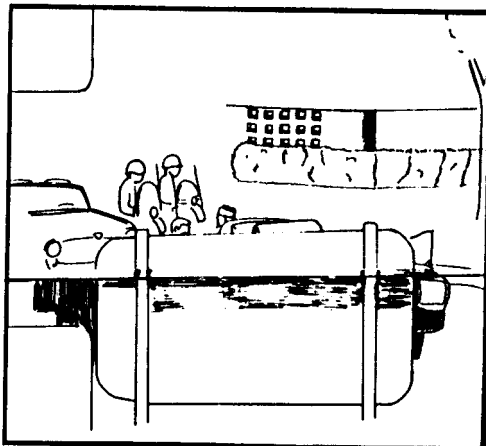
**Z206**

Frame Z206 of the Zapruder film shows President and Mrs. Kennedy just prior to passing behind the Stemmons Freeway sign. The president's hand can be seen either in response to a shot or in completion of a wave. If the president was responding to a shot at this time, or at frames Z207, Z208, Z209, and probably Z210, the shot could not have come from the sixth-floor window, since a large oak tree prevented any assassin there from seeing his target.



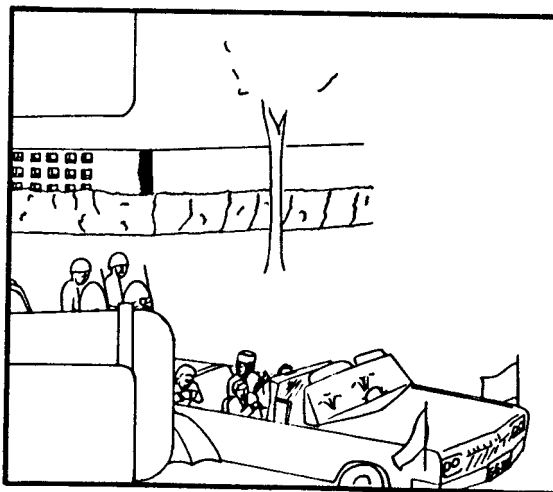
**Z207**

This frame marked Z207 in the commission's evidence is not Z207. The bottom part is Z207, but the top is identical with frame Z206. The demarcation across the middle of the frame shows where the fusion occurred. If this was simply spoiled as claimed, the commission could have subpoenaed the original film and viewed it, since this was an important instant in the assassination. The original was never asked for.



**Z212**

Following frame Z207, the commission printed frame Z212. This gap is said to have been created by a spoilage that occurred during processing. Notice that the president can no longer be seen. Also note that another fusion has taken place at this frame. The bottom is frame Z212, but the top is again Z206. This is clear when comparing the top with frame Z206. Also notice that the bottom of the tree and the top of the tree are separated.



**Z225**

Frame Z225 shows President Kennedy clutching at his throat as the result of a shot hitting him sometime between frames Z206 and Z225. Note that the governor, sitting in front of the president, is not yet wounded, though the commission said he had sustained five wounds. He is still holding his Stetson high out of the trajectory of the missile claimed to have caused both his and the president's wounds. Since the missile smashed the governor's right wrist, it is difficult to believe that he could still be holding his hat if he had already been wounded. Also notice the umbrella (below Kennedy) that opened as the first shot rang out. Many investigators believe he was the signal man for the assassination. It was near 80 degrees and sunny in Dallas.

\*The actual photos may be found in the *Hearings Before the President's Commission on the Assassination of President Kennedy*, vol. 18, pp. 18-19.



### APPENDIX III

## Commission Exhibit 900



This cropped version of the Altgens photo (see below) is used to show that the president was shot when behind the Stemmons Freeway sign. As the photo appears here, it seems that the presidential limousine is directly in front of the Texas School Book Depository.

### APPENDIX IV

## Uncropped Version of the Altgens Photo



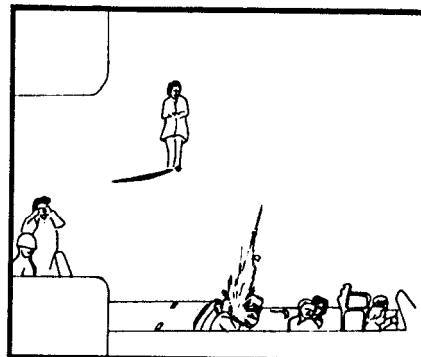
The full version of the Altgens photo disproves the commission's claim regarding the president's location at the time the picture was taken. (Courtesy of Wide World Photos.)

### APPENDIX V\*

## Drawings of Fatal Shot

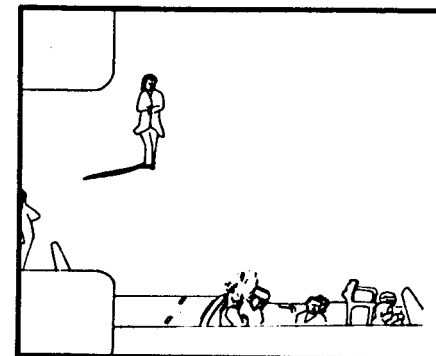
In volume 18 of the full report, the Zapruder film appears supposedly in sequence. However, following the fatal head wound (see facing page), these frames were printed in reverse of their actual position. The frame labeled Z314 in the report is actually Z315, and Z315 is actually Z314. This can be seen clearly, because Jean Hill is taking a picture to the left in frame Z313; she disappears from Z314 and reappears in Z315. By reversing Z314 and Z315 the violent backward motion of the president's body following the head wound is de-emphasized.

\*The actual photos may be found in the *Hearings Before the President's Commission on the Assassination of President Kennedy*, vol. 18, pp. 70-71.



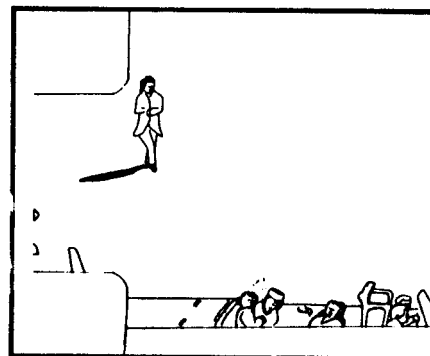
Z313

At frame Z313, as the president falls forward, a missile smashes into his head. Spectators in the background can be traced across the film to accurately place the frame sequence. Governor Connally is falling into his wife's arms due to a shot striking him at frame Z235.



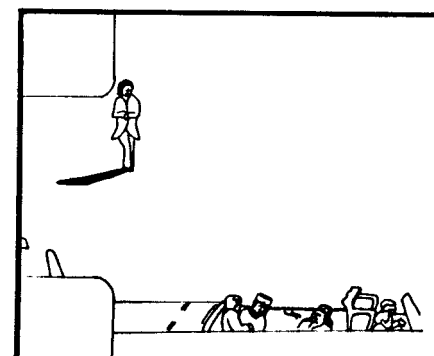
Z314

As the fog of blood, etc., begins to clear, the president can clearly be seen moving at an accelerated speed backward. The change occurs in only 1/18 of a second. This frame was marked Z315 and placed out of sequence in the commission's evidence. Was this just another error?



Z315

Frame Z315 was marked and substituted as frame Z314 in the evidence. The curious misprinting makes the president appear to be falling into his wife's arms. Actually, President Kennedy was lifted slightly and thrown violently backward against the seat.



Z316

At frame Z316, the president continues backward against the movement of the limousine. Notice that since frame Z313 the president's arms and shoulders are falling down toward his lap. This contradicts the Warren Commission's and more recently the Rockefeller Commission's claim that the president's backward motion was the result of a muscle reaction tightening at the moment of the massive head wound. Thus we have no alternative explanation other than that of a shot hitting the president from the right front. That of course means another assassin.

## APPENDIX VI

### **Blowup of Figure in the Doorway**



This blowup of the Altgens photo as seen in the report shows a man in the doorway who bears a striking resemblance to Lee Harvey Oswald. If Oswald was the man in the doorway, he could not have been the assassin who at this moment was about to fire a shot from the sixth-floor window. According to the report, this man is Billy Nolan Lovelady, but even Lovelady told officials that he wore a verticle-striped short-sleeved shirt buttoned to the neck.

## APPENDIX VII

### **Oswald and Lovelady on the Day of Assassination**



Notice that Oswald (left) is wearing a long-sleeved plaid shirt. It is open to the midsection because of the missing buttons. All this corresponds to the man seen in the Altgens photo (above). The vertical-striped shirt on Billy Lovelady (right) in no way resembles the shirt worn by the man in the Altgens photo.

## APPENDIX VIII

### **Commission Exhibit 399**



The famous magic bullet. This bullet, said to have been found on a stretcher at Parkland Hospital, is supposed to have caused seven wounds, crushing bones, etc. Its miraculous, pristine condition continues to amaze ballistic experts who refuse to believe that it caused the wounds attributed to it.

## APPENDIX IX

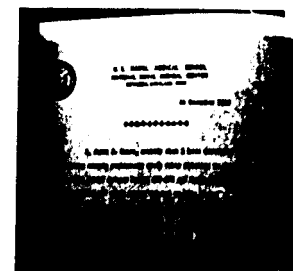
### **Autopsy Descriptive Sheet**



This descriptive sheet, drawn by Dr. J. Thornton Boswell during the autopsy, shows two inconsistencies with the conclusions of the Warren Report. The arrow in the rear of the head points to the left front, not to the right side as the commission concludes the missile traveled (see Appendix XI). Also, the bullet hole is low in the back shoulder, not in the neck as the commission concluded. This drawing corresponds exactly to the holes in the president's clothing, to testimony of Secret Service agents present, to eyewitness testimony, and to the FBI Silbert-O'Neil report.

## APPENDIX X

### **The Humes Letter**



The letter from Commander Humes certifying to his destruction of evidence.

## APPENDIX XI

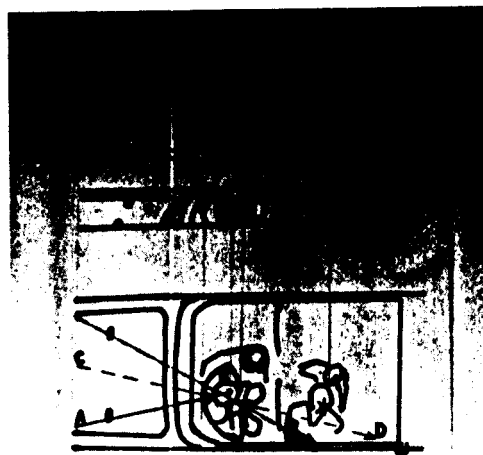
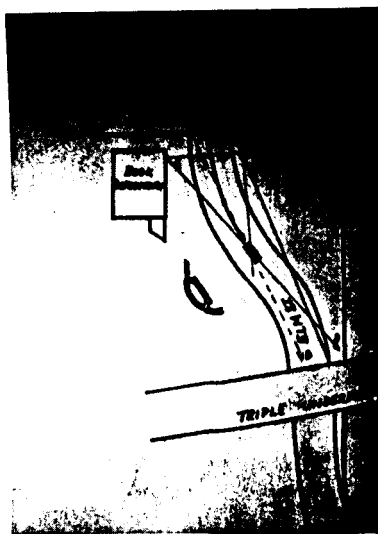
### Commission Exhibit 388



The commission's placement of missile path through the head, showing the bullet hole in the back of the neck.

## APPENDIX XII

### Diagram of Missile Paths



These diagrams show the president's approximate position at frame Z313 of the Zapruder film. Note that the trajectory AB of a missile from the Texas School Book Depository is consistent with Dr. Boswell's diagram shown in Appendix IX. A path CD, consistent with the commission's claimed path, is likely to have come not from the TSBD, but from the Dal-Tex Building located at the corner of Elm and Houston streets.

## Notes

### Chapter 1

1. *Report of the President's Commission on the Assassination of President Kennedy* (WCR), (Washington, D.C.: U.S. Government Printing Office, 1964), Introduction.
2. A statement by Jack Anderson on "The Reasoner Report," 1974.
3. Testimony of Gen. Vernon A. Walters before the Watergate Committee, Aug. 3, 1973.
4. WCR, Introduction.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. John F. Kennedy Memorial Recording, Series D 10,000 B.
10. Civil Rights Workers' Case on ABC television program, "Attack on Terror," March 27-28, 1975.
11. *Congressional Quarterly*, 1971, Boggs Memorial edition.
12. See Arthur M. Schlesinger, Jr., *A Thousand Days* (Boston: Houghton Mifflin Co., 1964); and Theodore Sorensen, *Ken-nedy* (New York: Harper and Row, 1965).
13. Bob Katz in Assassination Information Bureau lecture, University of Rhode Island, April, 1974.
14. See Haynes Johnson, *The Bay of Pigs* (New York: W. W. Norton & Co., Inc., 1964).
15. Schlesinger, *A Thousand Days*, p. 213.

### Chapter 2

1. Mark Lane, *A Citizens Dissent* (ACD) (New York: Holt, Rinehart & Winston, 1968.)

2. *Ibid.*
3. *Ibid.*, p. 241.
4. WCR, Conclusion.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. Zapruder film frames Z210-Z234.
10. WCR, Conclusion.
11. Harold Weisberg, *Whitewash Series. I, II III, IV, V*, (Hyattsville, Md.: Weisberg, 1966).
12. See note 9, chapter 1.
13. Lane, *ACD*.
14. *Hearings Before the President's Commission on the Assassination of President Kennedy (CT)*, 26 volumes (Washington, D.C.: U.S. Government Printing Office, 1964), vol. 2, pp. 42-43.
15. Weisberg, *Whitewash II*, p. 228.
16. Commission Exhibit 34.
17. *Ibid.*
18. WCR.
19. Lane, *ACD* part 3.
20. *Ibid.*
21. *Ibid.*, KZSU (Stanford University) radio broadcast with Wesley Liebler June 5, 1967, p. 137.
22. *Ibid.*
23. Weisberg, *Whitewash II*, Commission Exhibit 876, p. 247.
24. *Ibid.*
25. *Ibid.*, Commission Exhibit 354, p. 247.
26. Lane, *ACD*, p. 137.
27. Dr. Josiah Thompson, *Six Seconds in Dallas (SSD)* (New York: Random House, 1968).
28. WCR, pp. 19, 23.
29. *CT*, vol. 2, p. 46.
30. *ACD*, p. 136.
31. *Ibid.*
32. *CT*, vol. 2, p. 43.

33. *Ibid.*
34. *Ibid.*
35. *Houston Chronicle*, November 24, 1963.
36. *Ibid.*
37. Lane, *ACD* p. 153.
38. *CT*, vol. 2, p. 46.
39. *Ibid.*
40. *CT*, vol. 2, p. 43.
41. *Ibid.*
42. Weisberg, *Whitewash II*.
43. *Ibid.*
44. Statement by Sen. Ralph Yarborough on television program "Good Night, America," March 28, 1975.
45. Lane, *ACD*.
46. Commission Exhibit 3133
47. Lane, *ACD* p. 160.
48. *Ibid.*, p. 190.
49. WCR, p. 495.
50. *Ibid.*, p. 82.
51. Lane, *ACD*, p. 160.
52. *CT*, vol. 19, p. 482.
53. Lane, *ACD*.
54. Lane, *ACD* p. 189; WCR, p. 495.
55. Lane, *ACD* p. 153.
56. *Ibid.*
57. See note 51.
58. *Ibid.*
59. *Ibid.*
60. Weisberg, *Whitewash II*, p. 72.
61. *Ibid.*
62. *Ibid.*
63. *Ibid.*, p. 75.
64. *Ibid.*, p. 78.
65. *Ibid.*; WCR, p. 17.
66. *CT*, vol. 6, p. 185.
67. Weisberg, *Whitewash II*, p. 83; *CT*, vol. 19, p. 493; Commission Exhibit 5325.

68. *WCR*, p. 233.
69. Weisberg, *Whitewash II*, p. 84.
70. *Ibid.*, p. 86.
71. *WCR*.
72. Weisberg, *Whitewash II*, p. 86; *CT* vol. 6, p. 191.
73. *Ibid.*
74. *Ibid.*
75. *Ibid.*, *WCR*, p. 71.
76. Lane, *ACD*.
77. *Ibid.*
78. Weisberg, *Whitewash II*, p. 87.
79. See note 47.
80. Weisberg, *Whitewash II*, p. 87.
81. *Ibid.*
82. Edward J. Epstein, *Inquest* (New York: Viking Press, Inc., 1966).
83. See note 80.
84. *Ibid.*
85. Lane, *ACD*, part 3, p. 147.
86. Weisberg, *Whitewash II*.
87. *Ibid.*
88. *WCR*, p. 75.
89. *Ibid.*
90. Lane, *ACD*; Weisberg, *Whitewash II*, p. 87.
91. *WCR*.
92. Lane, part 3, p. 147. *ACD*.
93. Lane, *ACD*, pp. 190-91; *WCR*.
94. *CT*, vol. 11 p. 212; vol. 14, p. 472; vol. 24, p. 525; Lane, *ACD*, p. 191.
95. *CT* Total evidence.
96. Altgens photo, Commission Exhibits 203 and 900.

### Chapter 3

1. JFK Memorial Recording.
2. Testimony of Abraham Zapruder.
3. Testimony of Secret Service Agent Greer.

4. *Ibid.*
5. Testimony of Secret Service Agent Kellerman.
6. Testimony of Mrs. John B. Connally.
7. Thompson, *SSD*.
8. Willis Exhibit 3 (file No. 6) (file No. 7).
9. Testimony of Mrs. John F. Kennedy.
10. Testimony of Lee Bowers; J. C. Price; J. L. Simmons.
11. *CT*, vol. 19, p. 482; Lane, *ACD*, p. 52.
12. Thompson, *SSD*; Lane, *ACD*, p. 193.
13. *CT*, vol. 7, p. 535.
14. *WCR*, p. 192.
15. Lane, *ACD*, p. 194.
16. Thompson, *SSD*.
17. *Ibid.*
18. *Ibid.*
19. Lane, *ACD*.
20. Testimony of J. C. White.
21. Lane, *ACD*.
22. *WCR*, p. 23.
23. *Ibid.*
24. *Ibid.*, p. 139.
25. *Ibid.*
26. Testimony of Roy S. Truly.
27. *Ibid.*
28. Sept. 23, 1964, typed interview with Baker—Commission Files.
29. *WCR*, Testimony of Roy S. Truly and Officer Marion Baker.
30. Thompson, *SSD*; Weisberg, *Whitewash II*, pp. 36-38, 43, 111-12.
31. Testimony of Marion Baker.
32. *WCR*, Conclusion.
33. Weisberg, *Whitewash II*, p. 42.
34. *Ibid.*
35. *Ibid.*
36. *Ibid.*
37. See note 29.
38. Weisberg, *Whitewash II*, p. 42.

39. *Ibid.*, pp. 40-42.
40. Commission Exhibits 203 and 900; WCR, CE900.
41. *Ibid.*
42. WCR, pp. 63, 144.
43. WCR, p. 218.
44. CT, vol. 2, p. 50.
45. WCR, p. 218.
46. *Ibid.*
47. WCR, p. 149.
48. WCR, pp. 150-151.
49. *Ibid.*
50. Weisberg, *Whitewash II*, p. 89.
51. *Ibid.*
52. *Ibid.*
53. *Ibid.*, p. 90.
54. *Ibid.*
55. Lane, ACD, p. 203.
56. *Ibid.*, p. 202.
57. William Manchester, *The Death of a President* (New York: Harper & Row, 1967); Judy Bonner, *Investigation of a Homicide* (New York: Grosset & Dunlap, 1969).
58. Mark Lane, *Rush to Judgment (RTJ)* (New York: Holt, Rinehart & Winston, 1968); Lane, ACD, p. 172; Thompson, SSD.
59. Weisberg, *Whitewash II*, p. 25.
60. *Ibid.*
61. *Ibid.*
62. *Ibid.*
63. *Ibid.*, p. 26.
64. *Ibid.*
65. WCR; CT, Testimony of Mrs. Helen Markham.
66. Weisberg, *Whitewash II*, p. 27.
67. *Ibid.*
68. Thompson, SSD, Testimony of Marina Oswald.
69. WCR, "Murder of Officer J. D. Tippit."
70. Weisberg, *Whitewash II*.
71. *Ibid.*, p. 28.

72. *Ibid.*
73. Bonner, *Investigation of a Homicide*, p. 342.
74. Weisberg, *Whitewash II*, p. 29.
75. *Ibid.*
76. Lane, ACD, p. 93.
77. *Ibid.*
78. CT, vol. 2, p. 51.
79. *Ibid.*
80. WCR, p. 157.
81. Bonner, *Investigation of a Homicide*.
82. WCR, p. 165.
83. *Ibid.*
84. WCR, p. 166.
85. *Ibid.*
86. *Ibid.*
87. *Ibid.*
88. *Ibid.*
89. *Ibid.*
90. WCR, p. 160.
91. *Ibid.*

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1. Thompson, SSD.
2. CT, vol. 18, Zapruder film.
3. See note 2, frame Z206.
4. *Ibid.*, frame Z225.
5. WCR.
6. CT, vol. 18.
7. Jim Easton Show, KGO radio (San Francisco), March 3, 1975.
8. *Ibid.*
9. WCR; Weisberg *Whitewash II*; Lane, ACD; Thompson, SSD.
10. Testimony of Robert Frazier.
11. Lane, ACD.
12. WCR.

13. CT, vol. 18, frames Z234, Z235, Z236.
14. "Good Night, America," March 23, 1975.
15. CT, vol. 18, frames Z184-Z206.
16. Lane, ACD, p. 134.
17. *Ibid.*, pp. 128-29 (WNYC, New York City, December 23, 1966).
18. *Ibid.*
19. "Single-Bullet Theory, WCR," *Resident and Staff Physician* magazine, December, 1974.
20. See chapter 6.
21. See chapter 6.
22. WCR.
23. See vol. 18, frames Z171-Z206.
24. CT, Willis 5 (file No. 5).
25. Testimony of Phillip Willis.
26. WCR, Commission Exhibit 900; CT Commission Exhibit 203 and 900; Weisberg, *Whitewash II*, p. 254.
27. Weisberg, *Whitewash II*, p. 254.
28. *The Torch Is Passed* (memorial album), p. 16.
29. See note 27.
30. CT, vol. 18, frame Z255.
31. Testimony of Gov. John B. Connally, CT, vol. 4, p. 145.
32. Lane, ACD, p. 241.
33. CT, vol. 4, pp. 114, 128.
34. See note 31.
35. Testimony of Lee Bowers.
36. Statement made by Dr. Cyril Wecht, "Good Night, America," March 28, 1975.
37. *Ibid.*
38. Thompson, SSD.
39. Testimony of Mrs. John F. Kennedy.
40. CT, vol. 18, frame Z313.
41. Thompson, SSD.
42. *Ibid.*
43. *Ibid.*
44. See Appendix VI.
45. See note 41.
46. *Ibid.*

47. *Ibid.*
48. *Ibid.*
49. Lane, ACD.
50. See note 36.
51. Author's letter to Dr. John K. Lattimer, December 23, 1974.
52. Dr. Lattimer's reply to author's December 23 letter.
53. Weisberg, *Whitewash II*.
54. See Appendix VII.
55. See note 54.
56. See note 54.
57. See note 54.
58. See note 54.
59. Testimony of Marion Baker.
60. See Appendix VIII.
61. Weisberg, *Whitewash II*, "The Lovelady Diversion."
62. *Ibid.*
63. WCR.
64. WCR, the *New York Times* edition, p. 137.
65. *Ibid.*
66. See note 60.
67. See note 64.
68. See note 64.
69. See note 64.
70. See note 64.
71. See note 64.
72. Lane, ACD (Commission Document No. 5), p. 41.

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1. Commission Exhibit 207.
2. X Rays of Gov. John B. Connally.
3. Commission Exhibit 339.
4. WCR.
5. Commission test bullets; CBS tests, 1967; Dr. John K. Lattimer's tests, 1974.
6. Thompson, SSD.
7. *Ibid.*
8. *Ibid.*

9. WCR.
10. *Ibid.*
11. See note 6.
12. *Ibid.*
13. *Ibid.*
14. WCR.
15. Thompson, SSD.
16. WCR.
17. Jim Easton Show, KGO radio (San Francisco) March 3, 1975.
18. Thompson, SSD.
19. *Ibid.* (photograph of damaged cartridge).
20. Testimony of Lt. Col. Pierre A. Finck, CT, vol. 2.
21. "Good Night, America," March 28, 1975.
22. Commission Exhibit 396.
23. Commission Exhibit 399.
24. Lane, ACD, p. 100.
25. CBS test bullet, 1967.
26. See note 25.
27. Lane, ACD, p. 247; testimony of Lt. Col. Pierre A. Finck, CT, vol. 2.
28. See note 2.
29. "The Kennedy-Connally One-Bullet Theory" *Resident and Staff Physician* magazine, December, 1974.
30. *Ibid.*
31. See chapter 6.
32. See note 29.
33. Letter from author to *Resident and Staff Physician* magazine, December 23, 1974.
34. Reply from *Resident and Staff Physician* magazine, January, 1975.
35. Letterhead of *Resident and Staff Physician* magazine.
36. Thompson, SSD; Lane, ACD.

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1. Manchester, *The Death of a President*, testimony of Secret Service Agent Clint Hill.

2. WCR, p. 67.
3. *Ibid.*
4. *Ibid.*
5. Testimony of Dr. James J. Humes.
6. *Ibid.*
7. *Ibid.*
8. WCR, medical evidence.
9. *Ibid.*
10. CT, vol. 2, p. 39.
11. WCR; CT, vol. 2, p. 39, testimony of Dr. Kemp Clark.
12. WCR, p. 73.
13. *Ibid.*; Thompson, SSD.
14. WCR.
15. Testimony of Secret Service Agent Clint Hill, autopsy descriptive sheet drawn by Dr. J. Thornton Boswell.
16. *Ibid.*
17. WCR.
18. Testimony of Dr. James J. Humes.
19. Thompson, SSD.
20. See note 12.
21. WCR.
22. *Ibid.*
23. *Ibid.*
24. Commission Exhibit 397.
25. Commission Exhibit 385.
26. Statement by Dr. Josiah Thompson, "Good Night, America," March 28, 1975.
27. Lane, ACD, p. 223.
28. *Ibid.*
29. *Ibid.*, p. 224.
30. Commission Document No. 7.
31. Testimony of Secret Service Agent Greer.
32. Thompson, SSD.
33. WCR, pp. 88-89.
34. WCR.
35. See note 25.
36. See note 25.
37. Commission Exhibits 385, 386, 388.



38. Commission Document No. 7; Lane, *ACD*, p. 224; FBI Report Exhibit 60; *CT*.
39. Commission Exhibit 393.
40. Lane, *ACD*, p. 231.
41. *Resident and Staff Physician* magazine, December, 1974.
42. *Ibid.*
43. *Ibid.*
44. Lane, *ACD*.
45. See note 38.
46. See note 38.
47. Manchester, *The Death of a President*.
48. Lane, *ACD*, p. 230.
49. *Ibid.*
50. WCR, Foreword.
51. Lane, *ACD*, p. 225.
52. *CT*, vol. 2, p. 131.
53. *Look* magazine, July 12, 1966; *CT*, vol. 2, p. 368.
54. WCR, p. 91.
55. Lane, *ACD*, pp. 222-23.
56. *Ibid.*, p. 241.
57. WCR, p. 90.
58. See note 41.
59. See note 41.
60. Testimony of Cdr. James J. Humes.
61. Lane, *ACD*.
62. Call from Commander Humes to Dr. Malcom Perry.
63. Lane, *ACD*, p. 224.
64. *Ibid.*, p. 226.
65. Commission Exhibit 307; *CT*, vol. 17, p. 48.
66. Lane, *ACD*, p. 227.
67. *Ibid.*
68. See note 53.
69. *U.S. News & World Report* magazine, October 10, 1966.
70. Testimony of L. Patrick Gray before the Senate Select Watergate Committee.
71. Commission Exhibit 397.
72. Testimony of Secret Service Agent Clint Hill, *CT*, vol. 2, pp. 127, 143.

73. Statement by Dave Powers on television broadcast, "JFK A Time To Remember," 1974.
74. Lane, *ACD*, p. 224.
75. Commission Exhibit 393.
76. Commission Exhibit 388.
77. *Ibid.*
78. *Ibid.*
79. See Commission Exhibit 385.
80. *CT*, vol. 18, frame Z313.
81. WCR.
82. Lane, *ACD*, p. 231.
83. Epstein, *Inquest*.
84. *CT*, vol. 2, pp. 347, 350. Lane, *ACD*.
85. See diagram in Thompson, *SSD*.
86. *Ibid.*
87. Lane, *ACD*, p. 231.
88. Bonner, *Investigation of a Homicide*.
89. Lane, *ACD*, p. 235.
90. *Saturday Evening Post*, January 14, 1967.
91. Lane, *ACD*, p. 235.
92. *Ibid.*
93. See the testimony of Mrs. John F. Kennedy.
94. Commission Exhibit 207.
95. WCR, *New York Times* edition.
96. Lane, *ACD*.
97. *Ibid.*
98. *Ibid.*
99. WCR, p. 10.
100. *CT*, vol. 1, v.
101. Testimony of Mark Lane, *CT*, vol. 2.
102. WCR.
103. Thompson, *SSD*; "Good Night, America," March 28, 1975.
104. *Ibid.*
105. *Ibid.*
106. Dr. Malcom Perry's news conference, November 22, 1963.
107. Lane, *ACD*, p. 240.
108. *Ibid.*
109. *Ibid.*

110. *Ibid.*
111. WCR.
112. CT, vol. 2, p. 39.
113. WCR, Conclusion.
114. Lane, ACD (statement made by Dr. John Nichols, Associate Professor of Pathology at University of Kansas Medical Center), p. 223.

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1. WCR.
2. *Ibid.*
3. *Ibid.*
4. CT, vol. 2, p. 46.
5. Lane, RTJ.
6. Thompson, SSD.
7. WCR.
8. CT, vol. 2, p. 46; Lane, RTJ; Thompson, SSD.
9. Commission Exhibit 139.
10. Thompson, SSD.
11. FBI Report to Warren Commission, Commission Exhibit 27.
12. CT, vol. 2, p. 45.
13. WCR.
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. Thompson, SSD.
18. WCR (prints on boxes).
19. *Ibid.*
20. WCR.
21. Weisberg, *Whitewash II*.
22. Thompson, SSD.
23. WCR (results of paraffin tests).
24. *Ibid.*
25. *Ibid.*
26. WCR.

27. Robert Oswald, *Lee Harvey Oswald*.
28. Testimony of Marguerite Oswald.
29. See note 27.
30. *New Times Magazine*, April, 1975.
31. Thompson, SSD.
32. Letter of refutation to Dr. John K. Lattimer.
33. WCR.
34. Lane, ACD; CBS broadcast, June, 1967.
35. *Ibid.*
36. Lane, ACD.
37. *Ibid.*
38. CBS broadcast, June, 1967.
39. See testimony of Buell Wesley Frazier.
40. ACD.
41. WCR, pp. 165-174.
42. Lane, ACD.
43. Statement by David Belin in "JFK, A Time to Remember."
44. Thompson, SSD.
45. *Ibid.*
46. See note 43.
47. WCR.
48. See testimony of Helen Louise Markham.
49. WCR, p. 167.
50. CT, vol. 3, p. 310.
51. Lane, ACD; Thompson, SSD; testimony of Marina Oswald.
52. *Ibid.*
53. Testimony of Miss Helen Louise Markham, CT vol. 3, p. 310.
54. *Ibid.*
55. Lane, ACD.
56. WCR.
57. Lane, ACD.
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59. *Ibid.*, p. 145.
60. *Ibid.*
61. WCR, p. 47.
62. CT, vol. 3, pp. 334-35.

63. WCR, p. 174.
64. WCR, p. 180.
65. Thompson, SSD.
66. Bonner, *Investigation of a Homicide*.
67. *Ibid.*
68. See note 66.
69. *Ibid.*
70. Commission Exhibit 1.
71. *New Times Magazine*, April, 1975.
72. Bob Katz, Assassination Information Bureau lecture, University of Rhode Island, April, 1974.
73. See testimony of Mark Lane, CT, vol. 2.
74. *Ibid.*
75. *Ibid.*
76. *Ibid.*
77. *New Times Magazine*, April, 1975, p. 21.
78. *Ibid.*
79. Commission Exhibit 1.
80. *New Times Magazine*, April, 1975, p. 25.
81. CT, vol. 1, v.
82. See testimony of Mrs. John F. Kennedy.
83. WCR.
84. Weisberg, *Whitewash II*.
85. See testimony of James Hosty.
86. CT.
87. Testimony of Marina Oswald.
88. WCR, p. 121.
89. See note 87.
90. WCR.
91. See note 87.
92. WCR.
93. *Ibid.*
94. *Ibid.*
95. Lane, ACD.
96. *Ibid.*
97. WCR.
98. WCR, pp. 291-93.

99. *Ibid.*
100. *Ibid.*
101. *Ibid.*
102. *Ibid.*
103. *Ibid.*
104. See Commission Exhibits on Oswald's target scores.
105. WCR.
106. Military firing qualifications.
107. *Resident and Staff Physician Magazine*, December, 1974.
108. *Ibid.*, p. 49.
109. See note 106.
110. See note 108.
111. *Ibid.*
112. See testimony of FBI Agent Frazier.
113. See note 107.
114. Military instruction, Davisville U.S. Navy Seabee base.
115. Testimony of Secret Service Agent Clint Hill.
116. Lane, ACD.
117. Commission tests; CBS tests; Lattimer tests.
118. Lane, ACD.
119. *Ibid.*
120. *Ibid.*
121. *Ibid.*
122. *Ibid.*
123. *Ibid.*

### Chapter 8

1. WCR.
2. *Ibid.*
3. Statement by Lee Harvey Oswald, November 22, 1963.
4. NBC news flash, November 22, 1963.
5. Lane, ACD.
6. See note 3.
7. *Ibid.*
8. *Ibid.*
9. WCR.

10. Testimony of John Abt.
11. See note 3.
12. WCR.
13. *Ibid.*
14. Weisberg, *Whitewash II*.
15. WCR.
16. *Ibid.*
17. *Ibid.*
18. *Ibid.*
19. *Ibid.*
20. Weisberg, *Whitewash II*.
21. *Ibid.*
22. *Ibid.*
23. Bonner, *Investigation of a Homicide*.
24. Lane, *ACD*.
25. *Ibid.*
26. See note 23.
27. *Ibid.*
28. WCR.
29. *Ibid.*
30. *Ibid.*
31. See WCR diagram.
32. Bonner, *Investigation of a Homicide*.
33. WCR.
34. Statement by Rusty Rhodes, KGO radio (San Francisco) March 20, 1975.
35. *Ibid.*
36. *Pentagon Papers*.
37. CBS Evening News, Walter Cronkite, April 27, 1975.
38. *Ibid.*
39. WCR.
40. Weisberg, *Whitewash II*.
41. *Ibid.*
42. *Ibid.*
43. *Ibid.*
44. Secret Meeting transcript January 27, 1964.
45. Epstein, *Inquest*.

46. WCR.
47. See note 45.
48. *CT*, vol. 2, testimony of Mark Lane.
49. *Ibid.*
50. *Ibid.*
51. *Ibid.*
52. *Ibid.*
53. Weisberg, *Whitewash II*.
54. Jim Easton Show, KGO radio (San Francisco).
55. Taped interview with Lou Gordon.
56. See note 34.
57. WCR.
58. *Ibid.*

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1. "Assassination Tapes," *Penthouse*, July, 1973.
2. *New Times Magazine*, April, 1975.
3. *Ibid.*
4. Epstein, *Inquest*.
5. Declassified interview between Walter Cronkite and Lyndon Johnson.
6. *Ibid.*
7. See note 2.
8. WCR.
9. Bonner, *Investigation of a Homicide*.
10. WCR.
11. *Ibid.*
12. See note 2; also Rusty Rhodes on KGO radio (San Francisco).
13. *Ibid.*
14. *Rolling Stone*, magazine, April 24, 1975.
15. Lane, *ACD*.
16. Testimony of Marguerite Oswald.
17. Author's discharge from U.S. Navy.
18. Weisberg, *Whitewash II*.
19. See note 2.

20. *Ibid.*
21. Tapes of interview with Lee Oswald 1962, KGO radio (San Francisco).
22. WCR.
23. *Ibid.*
24. See note 21.
25. Epstein, *Inquest*.
26. *Ibid.*
27. See January 27, 1964, Secret Meeting transcript.
28. *Rolling Stone*, April 24, 1975.
29. *Ibid.*
30. *Ibid.*
31. *Ibid.*; Weisberg, *Whitewash IV*.
32. *Ibid.*
33. See note 28.
34. WCR.
35. Weisberg, *Whitewash II*; Lane, *ACD*.
36. *Ibid.*
37. WCR.
38. See note 28.
39. *New Times Magazine*, April, 1975.
40. Weisberg, *Whitewash II*.
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43. *Ibid.*
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54. Weisberg, *Whitewash II*.
55. *Ibid.*
56. *Ibid.*

57. Hugh Thomas, *Cuba* (New York: Harper & Row, 1971); Schlesinger, *A Thousand Days*.
58. See note 54.
59. See note 2.
60. Statement by Rusty Rhodes, KGO radio (San Francisco).
61. Commission Exhibit 827.
62. WCR, testimony of James Quigley.
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64. *Ibid.*
65. WCR.
66. See note 60.
67. Tad Szulc, *Compulsive Spy* (New York: Viking Press, Inc., 1974).
68. See note 28.
69. See note 28.
70. See note 39.
71. *Newsweek*, April 28, 1975.
72. *CT*, vol. 18, frame Z225.
73. *Ibid.*

### Chapter 10

1. CBS news broadcast, July, 1975 (conversation between Walter Cronkite and President Johnson).
2. Secret Meeting transcript, declassified in 1974.
3. *Ibid.*
4. *CT*, vol. 16 (Zapruder film).
5. Epstein, *Inquest*.
6. WCR.
7. *Ibid.*
8. Statement by Rusty Rhodes on KGO radio (San Francisco).
9. *Ibid.*
10. *Ibid.*
11. *CT*, vol. 2, testimony of Mark Lane, pp. 45-46.
12. Commission Exhibit 900.
13. Deposition of Dr. Guirtart.
14. See note 2.